

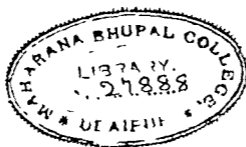
CHANGING ATTITUDES
IN SOVIET RUSSIA
THE FAMILY

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THE FAMILY IN THE U.S.S.R.

*Documents and Readings,
Edited with an Introduction by*

RUDOLF SCHLESINGER, Ph.D. (London)



LONDON

ROUTLEDGE & KEGAN PAUL LIMITED

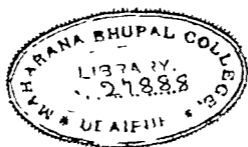
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PREFACE

The paucity of the documentary material available in this country, as well as the linguistic difficulties, are widely held responsible for the present state of English studies in the various aspects of Soviet social life. From this diagnosis a need for the publication of translated materials in suitable selection seems to follow ; but the difficulties with which such an attempt is faced are formidable. No selection can avoid being influenced by the *editor's subjective opinion* about what is relevant and what is not, and his standard of selection, like any other scientific activity, is subject to criticism ; but it is distinctly undesirable that his choice should be dominated by the chance of what the various libraries to which he may have access happen to have acquired years ago. No success is conceivable unless we can start with a clear definition of our main interest and select from amongst the materials available those that answer the questions put. In the U.S.S.R., even more than in other countries, attitudes once adopted and sufficiently widespread to arouse the sociologist's interest are likely to find numerous expressions which vary only in slight details ; thus we are likely to satisfy our interest without considerable gaps in content, however much the literary quality of the documents selected may be influenced by the hazards mentioned.

In the spring of 1944 the late Prof. Karl Mannheim suggested to me that I publish in this Library a number of volumes dealing with the changing attitudes prevailing in Soviet Russia towards specific aspects of social and political life. This suggestion supplied a definite standard of the highest, and hardly controversial, scientific interest, as the basis of our selection ; on the other hand, it could not be denied that that standard in itself implied serious problems. Proper assessment of the respective importance of the elements of continuity and change is amongst the most urgent, and most difficult, tasks of the students of Soviet society. We chose as the subject of the first of the planned volumes a field which, apart from being in itself of considerable interest to sociologists in all countries, provides an unequivocal illustration of the change in attitudes observable in the course of the Russian revolution.

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INTRODUCTION

The Soviet attitude to the problem of the family, as to most other cultural problems, has a twofold origin. Its sources—which are not necessarily complementary to each other—are the conditions in the Russia of the Tsars, and the Marxist ideology which inspired the Bolsheviks when reforming those conditions. In the cultural even more than in the economic field conditions in Tsarist Russia were those of a semi-feudal rather than of a modern capitalist society, and the regulation of all matrimonial affairs was in the hands of the Churches. In the more highly developed parts of the country this involved the complete prohibition of divorce and the legal subordination of wives to their husbands¹, whilst in the Mohammedan areas, for instance, not only polygamy, but even the giving of girl children in marriage in return for a bride price was both lawful and customary. On the assumption of power by the Bolsheviks, their first task in this field was the introduction of modern legislation² in accordance with the standards already achieved in Western countries. Complete disestablishment, desirable in any case in view of the alliance of nearly all the Churches with the *ancien régime*, proved to be a primary condition of progress in the field of family relationships.

The Bolsheviks had foreseen the need of introducing elementary democratic reforms in so backward a country, but their programme was not restricted to this: the Soviets had won political power in order to establish a socialist society. The intellectual equipment for this task had been provided by the Marxist criticism of developed capitalist society, which had been applied to the institution of the family by Engels in his *Origin of the Family, of the State and of Society*³.

¹ See below pp. 280-1.

² By the law on obligatory civil registration of Dec. 18, 1917 (*Collection of Laws and Decrees of the Workers and Peasants Government* 1917 No. 11, art. 160), and that on divorce see below, doc. 2.

³ See *The Origin of the Family etc.* English ed. London 1943 from which the quotations given below are taken. This study arose out of Morgan's *Ancient Society*, which is used as the foundation of its argument. But although the whole of Engels' historical argument is conditional on the correctness of Morgan's views—that is not the case with his own personal criticism of modern capitalist society—apart from the general statement which can hardly be disputed that the family is an historical phenomenon subject to historic development. It is true that Engels' explanation of his views in a review of Morgan's book dominates his terminology, which therefore

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of private land ownership and the transformation of the poorer strata of the peasantry into agricultural labourers, as intended by the Stolypin reforms, or, as actually happened, by the collectivization of agriculture and by the income of the peasant household coming to depend exclusively on its working achievements, in a general intellectual atmosphere that encouraged the peasants' children to change over to industry or to establish homes of their own soon after they had become really self-supporting. Some of the specific features of recent Soviet population policy, especially the support granted to families that according to Western standards are very large, are explained by the need to replace by new ones the incentive to rural fertility just mentioned. But Soviet population policy goes far beyond this, and actually embraces the whole of the population, including those strata whose changed conditions have simply removed most of the obstacles to childbearing that Marxists would be inclined to remark upon in other countries, such as lack of economic security and especially fear of unemployment, while at the same time they have profited most from the activities undertaken by the Soviet government from the very beginning in order to make it easier for the working-class mother to have children, such as pre-natal and post-natal care, crèches, kindergartens, etc. The fact that a positive population policy proved necessary in the U.S.S.R. for the urban as well as for the rural population seems to prove that the tension between progressive industrialization and rationalization of life on the one side, and the need for preserving a certain reproduction rate on the other, may be increased, but is not exclusively caused, by the conditions of a capitalist society.

True, the pre-War birth-rate of the U.S.S.R., even if somewhat reduced by the effects of further industrialization of the village and by increased birth-control, would have been more than sufficient for the needs of Britain or Sweden ; and the need for a positive population policy even with the birth-rate as it stands at present arose out of the peculiar conditions of a vast continent not as yet fully developed, but with various neighbours on her borders, some of whom were distinctly unfriendly, and one of them with the largest population and the greatest population pressure in the world. Perhaps in some other countries the transition to socialism may call for fewer sacrifices in the standard of living in favour of industrialization and defence, so that the encouraging effects of full employment on the birth-rate

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to resist pressure on the part of the employer. We have not to discuss here whether full employment is possible in a capitalist society; but even supposing it is, a number of most difficult problems for population policy would still arise from the fact that the citizen (e.g. the prospective mother) is employed by someone who is not interested in her "personal affairs", a fact which is even emphasized by those who describe such a society as "free". In Sweden as in the U.S.S.R. it may seem desirable, from the population standpoint, to prevent mothers from suffering a loss of income before and after childbirth. But can a private employer be expected to subsidize the private life of his employees? And if he were forced by law to do so, would he not necessarily react by not employing prospective mothers, and thus thwarting the purpose of the law? But if the nation shouldered the responsibility for what it regards as a national interest in a degree going beyond "State-philanthropy" in favour of some groups in direct need, can housewives (or their husbands) be expected, as taxpayers, to subsidize women whom they are likely to envy because of their capacity for earning money in employment, at least outside the periods of confinement? ⁶ In the U.S.S.R. this problem does not exist: payment of full wages both before and after childbirth is part of the remuneration granted to Soviet women by their employer ⁷ for their productive work. It is for society to decide whether it prefers, at a given moment, to increase that part of the remuneration which forms an incentive to fertility, by improving the conditions for such payments, or to restrict their duration to the minimum period advisable from the point of view of health, and thus increase the incentive to production, as was done in 1938. Difference of interest between housewives (and employed women with no children) on the one hand, and prospective mothers on the other, can arise only if, for example, the amount of pregnancy leave contributes to scarcity of textiles—an argument which was also urged (apart from the obviously decisive factor of defence in the post-Munich situation) in order to justify the measures of 1938 just mentioned. But these are questions of shaping policy: there is no problem, in the U.S.S.R., with

⁶ *Ibid.*, pp. 325-6 and 416.

⁷ The issue appeared to be complicated by the existence of private entrepreneurs under the N.E.P., when a woman's right to full wages before and after childbirth was already established. But the Soviet never regarded private entrepreneurs as essential to society, and looked upon advanced social legislation as a useful expedient to eliminate the least efficient among them.

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in Soviet Russia, we shall concentrate most of our attention upon the original issue, the emancipation of women and the overcoming of the traditional institutional framework which prevents that emancipation, and on the modifications of the attitude taken on this issue in connection with the growing preponderance of the population question. Here again, the reader will meet with problems topical in his own surroundings, and many a reader will be interested mainly in testing the compatibility of a radical feminist attitude to the family issue with the needs of a positive population policy, or, if he prefer, in testing the positive policy of the U S S R from the standpoint of its original ideological attitude. It is not very difficult to observe important changes in this regard, and to apply adjectives to those changes according to one's personal likes and dislikes, but whatever may be thought as to the relevance of the original ideology to the present Soviet policy in regard to the Family, it should be noticed that it has undoubtedly widened the scope of policies available in that field. No society wants children "in the abstract", everywhere some views—explicit or implicit—are held as to the surroundings most likely to produce useful members of the society. As we shall see, Soviet policy—as distinct from some ideologies popular at certain times—has never discarded the institution of the Family, but the fact that Marxist criticism was directed against the traditional man-dominated family has saved the Soviet from any disputes about the mother's right to get whatever public benefits are provided for families with children, and has helped it to look for possible solutions of the population problem and for suitable surroundings for the new generation without being limited by the Family ideology. So the problems of the specific ideology which has dominated the first stage in the evolution of Soviet policies on the family issue are not irrelevant from the viewpoint of the present stage. They are important because, though they tackled the emancipation issue that had arisen in pre-socialist society, they assumed socialism as a condition essential for the solution of their problems.

Engels took great care not to confuse his sociological critique of the Family with the contemporary criticism of backward legislation, or with the feminist demand for mere legal emancipation. His criticism starts from the most advanced legal system he could find in the capitalist West—for some purposes the German-French, for others the Anglo-Saxon.

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this relation is officially sanctioned or not. . . . Here there is no property, to preserve and to bequeath which monogamy and male supremacy were established, hence there is no incentive to make this male supremacy effective. What is more, there are no means of making it so . . . the law costs money and, on account of the worker's poverty, it has no validity for his relation to his wife. Here quite other personal and social conditions decide. And now that large-scale industry has taken the wife out of the home and to the labour-market and into the factory, and made her often the breadwinner of the family, no basis for any kind of male supremacy is left in the proletarian household—except, perhaps, of something of the brutality towards women that has spread since the introduction of monogamy . . . [In the proletarian family], therefore, the eternal attendants of monogamy, hetarism and adultery, play only an almost vanishing part. The wife has in fact acquired the right to dissolve the marriage, and if two people cannot get on with one another, they prefer to separate . . .¹⁵

We need not dwell here on the question whether this is an idealization of the conditions actually prevailing among proletarian families. It is not even relevant to the validity of Engels' argument. Should the conditions which prevail in the upper strata of a capitalist society have so great an effect in forming the views even of the working class, that the little private property (house, furniture, etc.) found in the proletarian household is in itself a sufficient incentive to influence the attitude of the proletarian woman to the fundamental decisions of her life, and should an ideology corresponding to those upper-class conditions influence the working class so powerfully that, for fear of scandal, they avoid separations which in particular cases might be both justified and economically feasible, that fact would merely provide additional reasons why the working class should overthrow a state of society which reflects so unfavourably on their own conditions of life,¹⁶ even in those fields where the women of the upper strata are the chief sufferers. More important, though likewise without detriment to his conclusions, is another shortcoming of Engels' argument. His assumption of the proletarian woman's economic independence presupposes her potential capacity,¹⁷ not only to enter a factory, but when

¹⁵ *Ibid.*, pp. 76-7

¹⁶ Unfavourably from that working-class point of view to which Marxism makes its appeal, e.g., that of the organized Labour movement on the Continent; but not necessarily so from the standpoint of the actual views or opinions of a large part of the working classes themselves.

¹⁷ Even if—in consequence, say, of the large size of her family—the wife preferred to make no actual use of her capacity, any professional skill that she had acquired before or during the marriage would make a great difference to her freedom to face a possible matrimonial crisis.

this relation is officially sanctioned or not. . . . Here there is no property, to preserve and to bequeath which monogamy and male supremacy were established, hence there is no incentive to make this male supremacy effective. What is more, there are no means of making it so . . . the law costs money and, on account of the worker's poverty, it has no validity for his relation to his wife. Here quite other personal and social conditions decide. And now that large-scale industry has taken the wife out of the home and to the labour-market and into the factory, and made her often the breadwinner of the family, no basis for any kind of male supremacy is left in the proletarian household—except, perhaps, of something of the brutality towards women that has spread since the introduction of monogamy . . . [In the proletarian family], therefore, the eternal attendants of monogamy, heterism and adultery, play only an almost vanishing part. The wife has in fact acquired the right to dissolve the marriage, and if two people cannot get on with one another, they prefer to separate . . .¹⁵

We need not dwell here on the question whether this is an idealization of the conditions actually prevailing among proletarian families. It is not even relevant to the validity of Engels' argument. Should the conditions which prevail in the upper strata of a capitalist society have so great an effect in forming the views even of the working class, that the little private property (house, furniture, etc.) found in the proletarian household is in itself a sufficient incentive to influence the attitude of the proletarian woman to the fundamental decisions of her life, and should an ideology corresponding to those upper-class conditions influence the working class so powerfully that, for fear of scandal, they avoid separations which in particular cases might be both justified and economically feasible, that fact would merely provide additional reasons why the working class should overthrow a state of society which reflects so unfavourably on their own conditions of life,¹⁶ even in those fields where the women of the upper strata are the chief sufferers. More important, though likewise without detriment to his conclusions, is another shortcoming of Engels' argument. His assumption of the proletarian woman's economic independence presupposes her potential capacity,¹⁷ not only to enter a factory, but when

¹⁵ *Ibid.*, pp. 76-7

¹⁶ Unfavourably from that working-class point of view to which Marxism makes its appeal, e.g., that of the organized Labour movement on the Continent; but not necessarily so from the standpoint of the actual views or opinions of a large part of the working classes themselves.

¹⁷ Even if—in consequence, say, of the large size of her family—the wife preferred to make no actual use of her capacity, any professional skill that she had acquired before or during the marriage would make a great difference to her freedom to face a possible matrimonial crisis.

recognized that it is a condition of the emancipation of women that society must shoulder the bulk of the responsibilities hitherto left to the housewife.

In accordance with the general tendencies of Marxism, the attempt has been made to show that such an achievement would merely confirm developments already observable in present-day society, though so far only to the advantage of its upper strata, or as methods of relief in emergencies. In official socialist literature, accordingly—as distinct from the writings of particular pedagogues of socialist views—radical suggestions for the future of education have been avoided. Bebel,²¹ for example, considered that in the society of the future parents, by reason of their shorter hours of work, would have rather more opportunity to look after their children than they have now. Education being controlled by mixed committees composed of representatives of the parents as well as of the teachers, with a minimum of State interference, parents themselves would make sure that it was not organized in a way opposed to their feelings and interests. With socialism once established in an advanced industrial country, there is nothing logically inconsistent or economically utopian in following out such lines of thought very far—say to an electric kitchen in every home and a boarding-school education for every child above a certain age—and under such conditions there is nothing inherently unlikely in the idea that the majority of women would remain in employment even after marriage. Such a state of affairs, even though a minority (such as those with several children) should not continue in employment after marriage, would be quite a sufficient basis for actual equality of access to the majority of the better-paid professions, and equality of income for men and women doing similar work. It would go as far as economic conditions can do to ensure actual equality of status during marriage as well as after it.

Much of the work of the U.S.S.R. in the actual solution of family problems has been devoted to easing the economic and domestic burdens that prevent the housewife and mother from sharing in social productivity and social life; by securing her income before and after the birth of the child, and by the establishment of crèches and kindergartens.²² Much more remains to be and can be done, for example, by the wider

²¹ *Die Frau und der Sozialismus*, Stuttgart, 1922, pp. 451-2.

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any rate of those which are meant to result in children.²⁵ Engels²⁶ found a sufficient basis for an affirmative answer to this question in his statement that "sexual love is by its nature exclusive, so marriage based on sexual love is by its very nature individual marriage". Except on its subjective side²⁷ such a statement clearly fails to answer the question whether the psychological facts allow of the relative permanency (as a general rule) of unions based only on sexual love, when all economic incentive to the preservation of existing unions is removed. Engels seems to have thought the question one of little importance; he restricts himself to a general statement, which most representatives of Western progressive thought²⁸ would accept, without indicating whether he expected short-term marriages to become a mass-phenomenon, with the consequences that would involve for the prevailing conditions for the upbringing of children, etc.

If only the marriage based on love is moral, then also only the marriage in which love continues. But that intense emotion of individual sex-love varies very much in duration from one individual to another, especially among men, and if an affection definitely comes to an end or is supplanted by a new passionate love, separation is a benefit for both parties as well as for society—only people will then be spared having to wade through the useless mire of a divorce case.²⁹

This might be interpreted as an acceptance of purely psychological criteria of the desirability or otherwise of continuing a marriage. But Engels was enough of a sociologist to state, when declaring any forecast of future developments impossible, that the new generation "will make their own practice and their corresponding public opinion about the practice of each individual". Public opinion is certainly an agency which influences individual behaviour in the direction deemed to be in the social interest; so it may be inferred that social interest in the way

²⁵ Marriage unions other than these, however interesting from the psychological or educational point of view, are irrelevant in a study of the sociological position of the family—just as the statistical frequency of adultery or of intercourse with prostitutes in comparison with sexual acts between married couples is irrelevant to an attempt to ascertain the form of family typical at the present time.

²⁶ The subjective attitude of the founders of Marxism (see also doc. 5) is not irrelevant to a consideration of the question whether a libertine approach to the sexual problems of a socialist society can be logically inferred from its general outlook, or is, as the Bolsheviks say, mere "lower-middle-class radicalism", a relic of certain reactions to the conditions which prevail in a capitalist society. From this standpoint it is not irrelevant that no first rank leader of Marxist thought showed in his or her private life any inclination to what is called "free love".

²⁷ For later attitudes in the U.S.S.R., see below, doc. 17 (a), arts. 23-5, and doc. 17 (b), pp. 379-82.

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argument, in both the documents reproduced below, was based upon the interests of the revolutionary movement in preventing demagogic reproaches by its opponents as well as in attracting supporters. Some degree of single-mindedness and consistency, without which no revolutionary activities are conceivable, will find expression in the revolutionary's private life as well as in his or her political work, and the very happy and stable marriages of both Marx and Lenin are not irrelevant from the political viewpoint. But we must not identify the attitude of first-rank leaders with that of the man or woman of the rank and file, or the behaviour desirable in the interest of the revolutionary struggle with that which is likely to prevail in a socialist society when once it is firmly established. A. M. Kollontay's defence of the "Free Love" position,¹¹ originally restricted to an abstract denial that the moral standards brought into being within a capitalist society should apply to sexual behaviour in its successor, has been further developed into a positive advocacy of standards regarded as libertine not only from the conservative standpoint, but also from that of the first generation of revolutionaries.¹² There may have been cases in which active Communists were prevented by the very conditions of their Party work from establishing or maintaining stable personal relations, but to look upon such cases not as instances of sacrifice in the interests of the Revolution, but as normal for a socialist society, seemed at all times abhorrent to the average Bolshevik mind. Once the ideology of "Free Love", developed by Kollontay partly from the standpoint of radical feminism partly from the actual conditions of the Civil War, became an expression of social and moral disintegration under the N.E.P., it was damned from the Party's point of view.

I have devoted some space to these problems in this Introduction because it was necessary to discuss them somewhere, and the most suitable place for such a discussion seemed to be in connection with the explanation of the theoretical attitude of the socialist classics. In the actual development of Soviet policies and views they played hardly any part. From the beginning until the present time the above-mentioned attitude of Lenin has remained the official interpretation of the problem of sex in a socialist society. The position represented by Kollontay, which from the very beginning was a "deviation" from this accepted interpretation, has been driven underground—like all

¹¹ Doc. 4 (d)-(e)

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and illegitimate children.²⁴ In order, evidently, to prevent irresponsible husbands from getting rid of their financial obligations, divorce—unless desired by both parties—was still left to the decision of the courts, and not until 1926²⁵ did either partner obtain an unrestricted right to divorce, which, consistently, was removed from the courts to the Registrar's Office. The Land Code of 1922²⁶ had already sought to grant equality of rights to the wives of the peasants, who formed the huge majority of the adult female population; though, at any rate so long as agriculture continued to be carried on on private lines,²⁷ the right of women to become "heads of the *Dvor*"²⁸ was likely to remain a somewhat theoretical one. The Family Code of 1926, while restricting the divorced spouse's right of support to one year (after which evidently the former wife was supposed to have found a job), granted to the housewife or peasant's wife the right to remuneration for her work during marriage by the ruling that all property acquired during the marriage was to be considered as jointly held, as opposed to the traditionally feminist provision of the 1918 Code which had established strict division of property. This latter rule meant that a divorced wife was deprived of any share in the fruits of the joint efforts of the marriage period, unless during it she had enjoyed a money income of her own comparable with that of her husband, or had made some special arrangement with him to compensate her for her domestic activities, as, of course, the average housewife—not to speak of the peasant's wife—had failed to do. The joint-property rule of the 1926 Code, intended as a support for the wife's right of divorce, provoked, for this very reason, protests from the peasants, who feared the dispersal of their property, the more so as the Code made provision against the circumvention of its rules by granting to women living in *de facto* marriage the same rights as to "registered" wives. The discussion which preceded the enactment of the 1926 Code provides

²⁴ See below, doc. 3 (a).

²⁵ Doc. 2, art. 2; doc. 3 (a), art. 30, and doc. 7, arts. 18-19.

²⁶ See below, doc. 3 (b).

²⁷ After the collectivization of agriculture, when women began to exercise the most responsible functions in its administration, women "heads of the *Dvor*" might have become somewhat less exceptional. But in the majority of cases actual equality between the sexes is possible only when membership of the *kolkhoz* is based, not upon the *Dvor*, whose "head" will normally be the husband, but upon the productive effort of the individual member. The question whether this should be the case has arisen for reasons quite unconnected with the emancipation of women. See my *Soviet Legal Theories*, published in this series, 1945, p. 199.

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mental to a Party member's career, and the law which introduced the third had at the same time described it as an evil, though an unavoidable one. In short, after the reforms of the first decade the legal position in the U.S.S.R. came very close to what Engels had called the "pairing marriage", with this difference, that the Party in power maintained its right to influence, by propaganda and by its own internal discipline, the actual use which the citizens made of the rights granted them. Sometimes the use of these rights was likewise restricted by the power of State-controlled economics—as when the production and distribution of contraceptives became a matter of public policy, or the gratuitous performance of abortion was made to depend on the decision of a commission, which permitted it only if there were already three children, or in other special circumstances. More often, especially in the rural districts and in the Mohammedan territories, the backward social conditions prevented the legal emancipation of women from taking actual effect, unless the State intervened to remove such obstacles.⁴¹ The emancipatory measures of the first decade, as well as the changes after 1935, can therefore be correctly evaluated only in the light of their actual working, and this we have endeavoured to illustrate in the second part of the material which follows.

The emancipation of women has helped to supply the labour force necessary for the rapid development of huge large-scale industry in a country formerly backward, and also in the collectivization of agriculture and the introduction of modern methods of cultivation. It has enabled industrial activity to be carried on and expanded during a war in which most of the men had to be mobilized and a large part of the former industrial area was lost, and it was thus a necessary condition for the achievements of the Red Armies. But it would be an error to overstate the quantitative importance of the movement so as to suggest that the housewife, including the peasant's wife, had ceased to be by far the most numerous representative of her sex. There has been a distinct increase in the number of women actively engaged in industry, partly in industries from which they had formerly been completely excluded, and also in the number in the professions, especially those for which they had long been regarded as suited. The tables which follow ⁴² show

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to the Union average—though women doctors, it is true, were much more strongly concentrated in the special branches concerned with the diseases of women and children. As for the prospects of women in the professions, girls everywhere—Transcaucasia excepted—were in the majority in the higher forms of the *secondary schools leading to the university*—obviously as compensation for the fact that they still had no chance of forming more than a minority among the skilled workers. This fact is the more interesting inasmuch as, evidently as a result of the backwardness of the peasantry, the elementary school still did not reach all the girls: they formed a strong minority (from 44·2 to 42·7 per cent. of all pupils) in the Ukraine, the R.S.F.S.R., Byelorussia and Georgia, while in Tadzhikistan (81 per cent.), Uzbekistan (25·2), Turkmenistan (291), Azerbaijan (31·2) and Armenia (35·1) evidently a very large percentage of the girls remained illiterate.

To arrive at the value of these data for 1930-1, we must compare them with the Russian past rather than with what, say, *feminists in Anglo-Saxon countries might deem desirable and feasible*. As concerns the opening of new possibilities to women, progress is evident in every field; so also are the State's systematic attempts to provide women in industry with every facility for acquiring higher qualifications. In nearly every industry the percentage of women preparing for higher qualifications was higher than that of women workers in general. In some important industries we also find women workers responding strongly to their increased opportunities by enthusiastic efforts, surpassing those of their male fellow-workers. But, except in the textile and graphic industries, some branches of teaching, and the medical profession, we nowhere find women in numbers approximating to those of men with similar qualifications, and the total number of women actively engaged in industry and the professions would drop to a very low figure were some special branches everywhere favoured by them left out of account. In spite of all the State's efforts, and even of the pressure which public opinion at that time exercised against women with no place in social production, the facts of physiology—and the practical difficulties of fulfilling the functions of motherhood while remaining in employment—would appear to have asserted themselves.

From 1936 onwards, certainly not without some connection with the growing danger of a war which would demand a high

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have made on the long march from the Caucasus to the Danube. As Soviet ideology prohibits discrimination against unmarried mothers and their children, the State had to shoulder the responsibilities from which unmarried fathers were freed, all childless persons contributing towards the expense involved by means of a special tax. But stronger than all ideologies was the need to make up for the ravages of the war. All previous Soviet legislation had been able to start from the assumption that the sexes were represented roughly in equal numbers ; that of 1944 had to take into account not only huge losses of adult population in general, such as had been experienced during the Civil War and the Volga famine of 1921, but also the fact that in a well-organized State which had been able to protect its womenfolk from the worst but had had to sacrifice many millions of its men at the front, a war such as that of 1941-5 was bound to upset the normal proportion between the sexes. We shall consider the implications of these facts in the concluding section of this book ; but even at first glance they can be seen to be of primary importance. The framework of this compilation, therefore, would seem to have a rather more solid foundation than the fact that it was made at the end of 1944 : our examination of the circle which Soviet matrimonial policy has described since the first Code of 1918 would appear to indicate that a new starting-point has now been reached.

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PART I

FUNDAMENTAL ATTITUDES AND FIRST REVOLUTIONARY LEGISLATION

DOCUMENT No. 1

LENIN'S LETTERS TO INESSE ARMAND¹

INTRODUCTORY NOTE

The two letters from V. I. Lenin to Inesse Armand were written in January 1915, in reply to a plan for a pamphlet for working women devised by Inesse Armand and communicated to Lenin.

These letters are a most precious document on the Communist attitude to such important questions in the life and morals of the workers as the family and marriage.

Lenin calls for a serious, Marxist approach to these problems. With all the passion of the revolutionary he castigates triviality and philistinism in the problems of life and morals. He warns particularly against any enthusiasm for various "fashionable" ideas and demands which, outwardly revolutionary and "left", are in fact reactionary and bourgeois—such as for example, certain demands for "free love" and the like.

Lenin gives a profound class analysis of such demands. He points out that "bourgeois ladies" usually take "free love" to mean "freedom from seriousness in love", from "childbirth", "freedom of adultery". He holds that demands for "free love" are bourgeois and should be "completely eliminated" from the pamphlet for the working women.

In his letters Lenin contrasts "base and vile marriage without love", not with "freedom of love" or with "shortlived passion and liaison", but with "Proletarian Civil Marriage with love".

The letters are of great importance for the strengthening and development of the socialist family, for the communist

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PART I

FUNDAMENTAL ATTITUDES AND FIRST REVOLUTIONARY LEGISLATION

DOCUMENT No. 1

LENIN'S LETTERS TO INESSE ARMAND¹

INTRODUCTORY NOTE

The two letters from V. I. Lenin to Inesse Armand were written in January 1915, in reply to a plan for a pamphlet for working women devised by Inesse Armand and communicated to Lenin.

These letters are a most precious document on the Communist attitude to such important questions in the life and morals of the workers as the family and marriage.

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carefully on the strength of letters than after a conversation, and the plan is very important.

Haven't you a French socialist friend? Translate to her (as though from the English) my Nos. 1-10 and your own remarks about the "fleeting", etc., and then watch her, listen to her attentively. This would be a little experiment on what *outsiders* will say, what their impressions of the pamphlet and their expectations from it will be.

I press your hand and wish you fewer headaches and a speedy recovery.

V. I.

PS. As regards Beaugy, I do not know . . . It is possible that my friend promised too much . . . but what? I do not know. The matter has been postponed, i.e., the clash has been put off, *not* removed. We shall have to struggle and struggle. Shall we succeed in making them change their mind? What is your view? ⁵

⁵ Lenin is referring to a conflict with the Pyatakov-Bukharin traitor-group who attempted to organize the publication of their own sectional newspaper behind Lenin's back. The members of this group lived in the village of Beaugy, in Switzerland.

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parties, and agreement between the parties on the subject cannot be obtained, the divorced parties shall reassume the surnames used by them before their marriage, while the surname of their children is to be decided upon by the judge, or—where the parties fail to agree—by the local court.

8 In cases of divorce by mutual consent the judge, when declaring the marriage dissolved shall decide which of the parents is to keep the children born during the marriage where they are not of age, and which of the two parties shall provide for the maintenance and education of the children and to what extent, as well as whether and in what degree the husband shall provide for the maintenance and upkeep of his divorced wife

9 If consent is lacking the husband's share in providing for the maintenance and upkeep of his divorced wife in the event of her being destitute or without private means and unable to work as well as the allocation of the children shall be decided upon in the general order of suits by the local court independent of the amount of the suit Having of his own authority declared the marriage dissolved the judge shall pending the final settlement of the suit temporarily decide the fate of the children and also determine the temporary maintenance of the children and of the wife, if she require it

10 Suits relating to the annulment and invalidation of marriages shall henceforth be heard in the local courts

11 This law shall bind all citizens of the Russian Republic irrespective of their religious denomination

12 All suits relating to the annulment of marriage now under consideration by the religious consistories of the Orthodox Church and other faiths, by the Governing Synod and by any departments of other Christian and non Christian denominations and by responsible persons in the administration of the affairs of the various denominations, which have not yet been decided or in which the decisions have not yet been put into legal force, are by virtue of this law declared invalid and are to be transferred to the local district courts together with all files to be found in the marriage-divorce departments of the above-mentioned institutions and with the above-mentioned persons

The parties concerned shall have the right to submit a new appeal for the annulment of marriage under the provisions of this law, without waiting for their previous suit to be terminated, moreover, renewed public notification to absent parties (see

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DOCUMENT No. 3

THE ORIGINAL FAMILY LAW OF THE RUSSIAN
SOVIET REPUBLIC¹

(a) From the Code of Laws concerning the Civil Registration of Deaths, Births and Marriages, of Oct. 17, 1918²

Material Conditions necessary for the Conclusion of Marriage.

66. Persons intending to enter into marriage must have attained marital age. The marital age is fixed for females at 16 years and for males at 18 years.

67. Marriage cannot be entered into by any persons who are already in a state of marriage, whether registered or non-registered, where the latter has the validity of a registered marriage.³

69. Marriage cannot be entered into by relatives in the ascending or descending lines, or by consanguineous or half-consanguineous brothers and sisters.

Note.—Every relationship including affinity arising outside marriage is considered as an impediment to marriage between the relatives mentioned in the preceding article.

70. Marriage shall not be contracted unless the mutual consent of the parties to be married is obtained.

71. Difference of religion between persons intending to enter into marriage does not constitute an impediment.

72. The monastic state, priesthood or the diaconate are not impediments to marriage.

¹ The matrimonial legislation of the Bolshevik revolution began a few months after the conquest of power with the establishment of Registrar's Offices and the introduction of civil marriage (in place of the pre-revolutionary ecclesiastical registration of all acts of civil status, arguments against which were responsible for art. 71-3 and 148 of this document) and of legal divorce (see above doc. 2). In order to give the new authorities some guidance, the Code of Laws on the Registration of Deaths, Births and Marriages was enacted in the following year; thus Family law (together with Labour law) was among the first branches of Soviet law to be codified. The systematic codification of all branches of Soviet law followed at a later period, at the beginning of the New Economic Policy; we had therefore to quote (below, docs. 3 (b) and 3 (c)) from enactments of 1922 in order to illustrate the economic aspects of Soviet matrimonial law before its complete codification in 1926 (see below, docs. 6 and 7). The much-discussed law on the legalization of abortion (doc. 3 (d)) was enacted quite independently of the general matrimonial legislation, as a measure intended to improve health conditions. [R. S.]

² *Collection of Laws and Decrees of the Workers' and Peasants' Government*, 1918, Nos. 6-7, art. 818.

³ This evidently refers to Church marriages entered upon before the introduction of obligatory civil registration by the Soviet régime, Dec. 20, 1917 [R. S.]

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panied by the marriage certificate, or, if that be lacking, by the signature of the declarant to the effect that the parties are married, with a statement where the marriage took place; the party who gives such information is responsible for its accuracy.

90. The petition for dissolution of the marriage is presented to the competent local court according to the place of residence of both the married parties; or to any local court chosen by both the parties to be divorced; but if the petition for divorce is made by one only of the married parties, it must be presented according to the place of residence of the husband, whether he be plaintiff or defendant.

Note.—If the address of one of the parties to be summoned is not known, and the petition for dissolution of the marriage is presented by the plaintiff according to his place of residence, the defendant is to be summoned in the form prescribed for cases where the defendant's place of residence is not known.

91. Subject to the mutual consent of the married parties, petitions for divorce may be presented to the local court as well as to the Registrar's Office ⁴ at which the marriage was registered.

92. Upon verification that the petition for divorce actually issues from both parties, the Registrar must make an entry of the divorce and at the request of the former married parties deliver to them a certificate of divorce.

93. Divorce suits are heard by the local judge sitting in public and at his own discretion.

94. The decision of the local court on the dissolution of marriage is subject to appeal in the ordinary course to the Court of Appeal, and is not considered to have legal effect until the expiration of the time during which recourse may be had to the Court of Appeal, unless the parties shall have declared that they have no intention of having recourse to the Court of Appeal.

Rights and Duties of Husband and Wife.

100. Married persons use a common surname (the matrimonial surname). On the registration of marriage they may choose whether they will adopt the husband's (bridegroom's) or wife's (bride's) surname or their joint surnames.

101. Married persons retain their matrimonial surname during marriage and also after the dissolution of the marriage by

⁴ The Russian text always refers to the Registrar's Office by its full title: "Department for the Registration of Acts of Civil Status". [Tr.]

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divorce until a change of the condition which entitles to maintenance has taken place (art. 107).

131. If full accord upon the question of maintenance is secured between the parties to be divorced, the judge establishes the amount and form of maintenance to be paid by one spouse to the other at the time of the dissolution of the marriage.

132. In case of disagreement between the parties, the question of maintenance, its amount and form is decided in the general order of suits in the local court independently of the amount of the suit. ¹ Until the final settlement of the dispute by the court, maintenance to the spouse in need and unable to work must be paid temporarily to the amount and in the form determined by the judge who has decreed the dissolution of the marriage.

Family Rights.

133. Actual descent is regarded as the basis of the family, without any difference between relationships established by legal or religious marriage or outside marriage.

Note.—I. Children descended from parents related by non-registered marriage have equal rights with those descended from parents whose marriage was registered.

Note.—II. The provisions of the present article extend also to children born outside wedlock before the introduction of Civil Marriage (Dec. 20, 1917).

134. The persons registered as the parents in the register of births are considered as the father and mother of a child.

135. If there is no such entry regarding the parents of a child, or it is incorrect or incomplete, the interested parties are entitled to prove their paternity or maternity respectively by legal process.

Note.—The local People's Court is competent to decide suits concerning descent.

136. The interested parties, including the mother, are entitled to prove the true descent of a child even if the parties registered as parents at the time of the child's conception or birth are married by registered contract or by a contract having the validity of a registered one.²

140. An unmarried woman who becomes pregnant shall give notice not later than three months before the birth of the child to the local Registrar's Office according to her place of residence, stating the time of conception, the name and the residence of the father.

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148 It is left to the parents to decide the religion of their children under 14 years of age. In default of agreement between the parents the children will be considered to adhere to no religion until they attain 14 years of age.

Note—The agreement between the parents as mentioned in the present article relative to their children's religion must be concluded in writing.

149 Parents may exercise paternal rights over a male child until he attains 18 years of age and over a female child until 16 years of age.

150 Paternal rights are exercised by the parents conjointly.

151 All measures concerning the children are taken by the parents by mutual agreement.

152 In case of disagreement between the parents, the question in dispute is decided by the local court with the participation of the parents.

153 Parental rights are exercised exclusively for the benefit of the children. In case of abuse the court is entitled to deprive the parents of their rights.

Note—Suits for depriving parents of their paternal rights are subject to the jurisdiction of the local court, and may be begun by representatives of the authorities as well as by private persons.

154 Parents are bound to take care of the development of their children under age, of their education and their training for a useful activity.

155 The protection of the personal interests of the children, as well as of their property, is the duty of the parents, who are the children's representatives in and outside court (unless there be a special appointment of guardians and trustees).

156 Parents are bound to keep their children with them, and have the right to demand their restoration from every person who retains the children without permission of the law or the court.

157 Parents are entitled to decide the manner of the upbringing and instruction of the children, but have no right to enter into any contract concerning the employment of their children from 16 to 18 years of age without their children's consent.

158 If the parents live apart, it is for them to decide by agreement with which of them their children under age shall reside. In default of agreement between the parents the question is determined in the general course of suits by the local court.

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Rights and Obligations of Persons related to One Another.

172. Indigent persons (i.e., persons not possessing the subsistence minimum) and relatives who are unable to work, of the direct descending or ascending lines, consanguineous or half-consanguineous brothers or sisters, are entitled to obtain maintenance from their wealthy relatives.

Note.—No difference is to be made between relationships established inside and outside marriage.

173. Relatives of the direct ascending or descending lines as well as brothers and sisters, in the order of the established progression, are obliged to provide maintenance only in those cases where the indigent persons are not in a position to obtain maintenance from spouse, children or parents respectively because of their absence or their incapacity to provide maintenance.

174. Should relatives refuse support to their relatives who are in need and unable to work, the latter are entitled to claim maintenance in accordance with the rules set forth in articles 108–118 above.

175. Persons conjointly bound to provide maintenance are responsible therefore in equal proportions unless the court, on account of differences in their means, of the absence of one of them, or for some other important reason, has found it necessary to regulate in some other way their shares in the fulfilment of this obligation.

176. In case of impossibility immediately to obtain maintenance from the persons obliged to provide it, the court is entitled to impose this duty upon the more remote party under obligation, reserving to the latter the right to recover his expenses from the party who is immediately obliged to provide maintenance.

177. Agreements containing refusal of the right of maintenance are void.

(b) From the Land Code of October 30, 1922.

Art. 66: All those persons shall be regarded as members of a *Dvor* who form part thereof (including minors and persons of

a decision on these questions. If the agreement as to the maintenance and education of the children entered into by the parents should not be to the benefit of the children, the latter reserve the right to claim from each of the parents the subsistence determined by law.

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Note.—No difference is to be made between relationships established inside and outside marriage.

173. Relatives of the direct ascending or descending lines as well as brothers and sisters, in the order of the established progression, are obliged to provide maintenance only in those cases where the indigent persons are not in a position to obtain maintenance from spouse, children or parents respectively because of their absence or their incapacity to provide maintenance.

174. Should relatives refuse support to their relatives who are in need and unable to work, the latter are entitled to claim maintenance in accordance with the rules set forth in articles 108–18 above.

175. Persons conjointly bound to provide maintenance are responsible therefore in equal proportions unless the court, on account of differences in their means, of the absence of one of them, or for some other important reason, has found it necessary to regulate in some other way their shares in the fulfilment of this obligation.

176. In case of impossibility immediately to obtain maintenance from the persons obliged to provide it, the court is entitled to impose this duty upon the more remote party under obligation, reserving to the latter the right to recover his expenses from the party who is immediately obliged to provide maintenance.

177. Agreements containing refusal of the right of maintenance are void.

(b) From the Land Code of October 30, 1922.

Art. 66: All those persons shall be regarded as members of a *Dzer* who form part thereof (including minors and persons of

(c) From the Civil Code of November 11, 1922 *

Art 416 Inheritance by legal and testamentary succession is admitted, in conformity with the articles set out below, subject to the total value of the estate not exceeding 10,000 rubles in gold after deduction of the debts of the deceased

Art. 418 The persons entitled to succeed, under the conditions indicated in Art 416, are limited to direct descendants (children, grandchildren and great grandchildren) and to the surviving spouse, but may include destitute or incapacitated persons who were being wholly maintained by the deceased for a period not less than one year before his decease

Note—Only persons alive at the time of the death of the deceased and children conceived during his lifetime but born posthumously are entitled to succession

Art 419 Legal succession, within the limits set by article 416, is effected wherever and in so far as it is not affected by a testament

Art 420 In cases of legal succession, the inheritance is shared out in equal parts *per capita* among all the persons indicated in article 418

Art 421 Of the persons indicated in art 418, those who lived with the deceased shall receive the property connected with the equipment and daily requirements of the household, exclusive of luxury goods, without these articles being included in the maximum sum set down in article 416

Art 422 As a testament shall be regarded the dispositions made in view of death by a person in writing, whether with intent to leave property to one or more specified persons from among those mentioned in article 418 or to share out this property among several or all of these persons in a manner differing from that provided for in article 420

* The upper limit of inheritance established by art 416 was abolished by the decree of January 29, 1926 (*Collected Laws of the U.S.S.R.*, 1926, I No. 6 art. 37) and replaced by an Inheritance Tax which, at first, was strongly progressive (after 1929 with a maximum up to 50 per cent. of the estate). During the recent war the tax was reduced to 10 per cent., with a tax-free limit for small estates. But so far there has been no change in the circle of those entitled to inherit apart from an extension to near relatives other than those mentioned in art. 418, provided that they lived with the deceased in a common household and supported him (art 418 provides for them only if they were supported by the deceased). On this issue see A. B. Halman, in *Law Law Review* 1936 (R.S.)

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DOCUMENT No 4
EXCERPTS FROM THE WORKS OF
A M KOLLONTAY¹

(a) Critique of the Feminist Movement

During the whole of the nineteenth century the bourgeois feminist movement developed independently of the political movements of bourgeois men, showing only slight traces of the similarity of social level. The movement made great strides towards the end of the century, having cast a well knit net of feminist organizations over all the bourgeois countries of West and East. Its main objective was the achievement of equal rights for women, equal rights with men in all spheres of life within the limits of a bourgeois capitalist society. From the start these advocates of feminine rights in the bourgeois camp never even thought of a new social order as offering women the widest and only firm basis of their emancipation. Socialism was alien to them. And when towards the end of the century some of the bourgeois "suffragettes" put forward demands borrowed

¹ A. M. Kollontay has for years been regarded as the outstanding propagandist of Bolshevik views on the problem of the family and subsequently much criticism has been directed against her publications (see below pp 305 and 337). This criticism was encouraged by the fact that there was no clear borderline in Kollontay's work between arguments characteristic of the bulk of Party opinion at that time (see below section (c)) and attitudes which were distinctly characteristic of a mere minority trend (see below section (e) and my introductory note). In order to enable the reader to form his own opinion on these controversial issues I have tried to give as representative a selection from her work on the subject as possible. This should not be regarded as representing the development of her views. Sections (a) and (b) of our compilation are excerpts from the book *Women's Labour in Economic Development* published (in Russian) in 1923; section (c) is part of a pamphlet published both in Russia and abroad in 1920 and section (d) in which the author approaches the attitude described in (e), was written in 1918, that is, during the early stages of the Civil War. Her argument proceeds from an attitude hardly controversial amongst Marxists (see above section (a)) to a proclamation of theories on the eventual withering away of the family as a basic economic and educational institution which is typical of the period (see below pp. 79 and 170-1). Thence she concludes with an essay on sex morality certainly not approved even by contemporary party opinion. Not only for Kollontay's later critics (see below doc. 14) but also in order to form our own opinion about the basic Marxist assumptions (see above Introduction p. 13) Zhenina (see below, p. 74) would obviously consider that her differences with her mother were the only thing that mattered and that should those differences be settled in the wrong way what she would describe as recurrences of the grandmotherly outlook would be bound to follow. But, evidently Zhenina was no Marxist. What matters is whether her mother would recognize her own ideas duly represented and developed by the authors of the documents below 14 and 17 [R. S.]

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resulted in a claim for women's rights. Only in the twentieth century did the more politically minded women's movements join hands with some definite political party, becoming a part or a complement of it. It was in this way that in pre-revolutionary Russia the "Female Kadets" (Constitutional Democratic Party) worked in the "Union of Equal Rights for Women" and later in the "League for Equal Rights for Women". A similar policy was pursued by some German and English societies.

In their zeal to establish equal rights and prove woman in every respect equal to man, the feminists were bound to disregard the natural characteristics of women which mark them out for a special place in the collective.

In the primitive communist society women were respected by the tribe as being the mainstay of the household and giving birth to new life for sustaining the growth of the tribe. Motherhood, i.e., woman's ability to bear children, is not in itself a sufficient reason for society to support her on an equal footing with the men who bear all the responsibility of maintenance. But if the women share with the men in doing work useful for the society, their additional social responsibilities—child-bearing and child-feeding—undoubtedly entitle them to extra care and special treatment from the society. The bourgeois feminists, in their enthusiasm for equal rights as an overriding principle, failed to recognize this. They made their greatest mistake in believing that to acknowledge feminine rights is the same thing as to give women equal rights with men. The more hard-bitten feminists adopted a male style of clothing "on principle", cut their hair short not for comfort but in imitation, walked along the streets with long masculine strides . . . When the feminists found out that, driven by necessity, women were working as dockers in ports and lugging impossible weights, these naïve advocates of equal rights brimmed over with triumph and wrote in their newspapers and periodicals: "Women score yet another victory for equal rights! Women dockers carry four hundredweight, hold their own with men!" It did not enter their heads that in the interest both of society and of the women dockers they should have written an article to the contrary, pointing out that in its greed for profit capitalism was undermining the nation's health, ruining the female organism by unsuitable and unbear-

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¹The Russian original has "12 pud", which equals 435.32 lb. avoirdupois. [T.]

Moscow more than 60 per cent. of the population are registered with the feeding-halls. In 1920 twelve million town-dwellers were served in one way or another by communal feeding centres. Obviously this aspect alone produces considerable change in women's lives, in the conditions under which they live. The kitchen which enslaved women even more than motherhood did ceases to be the prerequisite of family life. True, it plays an important part during the period of transition while the signposts along the road to communism are still being erected, while the bourgeois forms of community life are not as yet outlived and the basis of the nation's economy is unchanged at its roots. And yet, even during this interim period, the family hearth is being pushed aside, degraded into an accessory, a complement to communal feeding where our poverty, destitution and food-shortage do not permit us to raise our restaurants to the requisite level. Every female worker is beginning to realize how many hours a ready-prepared Soviet dinner saves her, and grumbles at the restaurants only because their dinners are not sufficiently filling and nourishing, because willy-nilly she has to prepare additional food. Were the standard of communal feeding higher it is doubtful whether we should find many who would volunteer to bend over a cooking-range. If under the bourgeois system a woman was anxious to please her bread-winner husband with her cooking, it was precisely because he was in fact the bread-winner. In a workers' State, however, where woman is recognized as an independent unit and citizen, it is doubtful whether you would find many volunteers for stooping over a stove to win a husband's approval. Let men learn to love and appreciate women not for being good at kneading dough, but for their personal qualities, their human ego. "Separation of kitchen from marriage" is a reform no less important than the separation of Church and State, at any rate in the history of woman. Admittedly this separation is far from having been completely achieved, but it is significant enough that the Workers' Republic, in working out from experience the line of its economic development, from the first months of the Revolution has had to resort to communal feeding as the most economic and suitable form of consumption, requiring a minimum of human labour, fuel and foodstuffs. The more difficult the economic situation of the Republic was, the greater the need to organize communal feeding.

The new housing conditions created by the Workers' Republic also played their part in the change of life and morals and conse-

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now who cling obstinately to the past ; they are of the usual housewifely type for whom life centres on the cooking-stove. These mistresses-in-law of their husbands (often wives of responsible workers) manage even now, in communal houses, to turn their lives into an idolatry of the frying-pan. But they have no future. Being of no use to the working collective, these creatures are doomed by history to inevitable extinction while the communist way of life is in process of construction along the entire economic front. As to the communal houses, they not only provide the most satisfactory solution of the housing problem, from the point of view of town life, but doubtless also ease the life of working women, creating conditions in which women can during this period of transition combine a family with a profession. Family households will inevitably die a natural death with the growth in number of communal houses of different types to suit different tastes ; and as the individual household which is enclosed within the limits of a separate flat dies out, the fundamental clamps of the contemporary bourgeois family will be wrenched looser. Once it has ceased to be a unit of consumption, the family will be unable to exist in its present form—it will fall asunder, be liquidated. But let this statement not frighten the adherents of the bourgeois family with its individual household, its egotistically enclosed little world. During the period of transition from capitalism to communism, during the period of working-class dictatorship, a fierce battle is raging between communal forms of consumption and the private family household. The victory of the former is unfortunately far off. A conscious attitude towards this question on the part of that section of the population which is most concerned—namely, the working women—can alone hasten this victory.

Soviet Russian statistics are still very poor in data regarding the housing problem and its solution ; but information available about Moscow shows that communal houses are already playing an important part in our town life, at any rate in the large cities. In 1920, for instance, out of 23,000 houses in Moscow more than 8,000 were communal houses and hostels, i.e., hostels represented more than 40 per cent. of all houses. Thus from the first year of its existence the Workers' Republic, while changing the system of economy and production at its very roots, is tending to create conditions in which the emancipation of women from fruitless housewifery gains ground slowly but steadily.

But the reduction of woman's fruitless labour in the household

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would make it so. In a Workers' Republic, on the other hand, where the individual economic effort is absorbed by the national economy and where the classes disintegrate, disappear—such a solution of the motherhood problem is dictated by life and sheer necessity. The Workers' Republic treats women primarily as participants in its production efforts; the mother's function is held to be a highly important but complementary obligation, not only towards the private family, but to society.

"Our policy in safeguarding motherhood and babyhood", as Comrade Vera Pavlovna Lebedeva says quite rightly, "is guided by the fact that we always look upon woman as a worker."

But in order to enable woman to participate in productive work without forcing her nature, without abandoning motherhood, a second step was necessary. the removal of all cares connected with motherhood from the individual woman's shoulders, transferring them to the collective and thus recognizing that the rearing of children transcends family limits and is a social, a State institution.

Motherhood is looked at from a new angle: the Soviet government regards it as a social obligation. With this principle in mind the Soviet government outlines a number of reforms tending to lift the burden of motherhood from woman's shoulders and to place it on the State. Care of babies, economic protection of children, proper establishment of social education—the Soviet government undertakes all this through the Sub-department of Safeguarding Motherhood and Babyhood (headed by Comrade V. P. Lebedeva) and through the Narkompros (People's Commissariat for Education) Department for Social Education.

To remove the cares of motherhood but leave untouched the joyous smile which is born of woman's contact with her child—such is the Soviet government's principle in solving the motherhood problem. Naturally this principle is far from being fully implemented. In practice we lag behind our intentions. In our endeavours to create new forms of life and morals which would free the working woman from family obligations, we are stumbling over the same old obstacles: our poverty and economic distress. But the foundations have been laid, the signposts pointing the road to the solution of the motherhood problem erected; it remains to follow the road indicated determinedly and firmly.

The Workers' Republic does not limit itself to safeguarding motherhood financially and giving the mother the sort of help we discussed in the last lecture. It intends above all to change

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on to the collective. Naturally the maternal instinct is strong and we should not let it die out. But why should this instinct be confined exclusively to narrow love and care for one's own baby? Why not let this instinct, so precious for working humanity, branch out and rise to its highest level—that of caring about other children, equally helpless though not one's own, and of devoting love and attention to other babies?

The watchword which the Workers' Republic proclaims to the wide masses of women—"Be the mother not only of your own child, but of the children of the peasants and workers"—should teach working women a new approach to motherhood. Is it conceivable, for instance, that a mother, who may in many cases be a Communist, should refuse her breast to another's baby ailing for shortage of milk, merely because it is not her own child? Humanity of the future, communist in its feelings and conceptions, will be surprised by such an act of egotism and unsociableness as we are to-day when we read that a native woman who loves her own baby tenderly has with great relish consumed the baby belonging to a woman of another tribe.

Or another perversion—is it conceivable that a mother should deprive her own baby of her milk, so as not to burden herself with looking after the infant? But the fact is that the number of foundlings in Soviet Russia is increasing at an intolerable rate. True, this state of affairs is made possible by the fact that the motherhood problem, though on the way to solution, is as yet unsolved. Hundreds of thousands of women during this difficult period of transition succumb under the double burden of daily work and motherhood. The number of crèches, nurseries and maternity homes is insufficient, financial assistance cannot keep pace with the rise in prices for goods on the open market—all this makes working women, women in employment, afraid of motherhood and makes mothers leave their children at the State's doorstep. But this increase in the number of foundlings also shows that the women of the Workers' Republic have not yet fully realized that motherhood is not a private matter but a social obligation.

Change in the Functions of Marriage

In the Workers' Republic where the private households, at any rate in the towns, are giving way—or, to be more exact, are tending to give way—to social forms of consumption (communal houses, Soviet restaurants and other forms of collective

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needy party" mean when rations are issued to each party separately? It means that rations are to be shared. Not many will agree to this. The question is usually solved in this manner: if one of the married parties is unfit for work, the other goes knocking at the doors of all the public institutions which can take the invalid on their communal ration—sanatoriums, hospitals, hostels for the aged or invalid. And nobody would reprove the healthy spouse for putting his unfit "better half" under public care, although the decree demands that married parties should afford one another mutual help in periods of inability to work. It seems natural that all the responsibility for those of its members who are unfit for work should rest on society, and not on two individual people, even though they be bound in mutual love, the burden of material worries must be borne by the collective, by society. For as long as a man is fit to work, he helps by his labour to create those goods and resources out of which society will later have to help him in his illness, old age or incapacity.

Marriage is appearing in a new light. Before our very eyes a great change is taking place in the mutual relations of married couples, and what is especially interesting is that the new way of living, the new morals, are reflected even in the families of the former bourgeoisie.

Ever since those recent parasites—the bourgeois ladies, began to swamp our Soviet institutions and earn money themselves they immediately assumed an air of independence towards their husbands. It frequently happens that the wife earns more than the husband—the humble helpful wife becomes the head of the family. The wife hurries off to work while the husband stays at home to chop wood, light the fire, do the shopping. Once upon a time these ladies would throw a fit of hysterics if their husbands refused them the money for a new spring hat, a new pair of shoes. Now the wife knows that her husband has nothing—and throws her fit before the manager or the director of supplies in an effort to obtain an allowance or an extra ration.

However, in all fairness it must be said that the women of the old bourgeois class bear up very bravely—more so, I would say, than their soft, intellectual husbands—under all the hardships of the present period of transition, learning how to combine employment with household work and struggling with the shortages and all the discomforts of our life.

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Nowadays a couple are in love but live apart. Sometimes husband and wife, for the sake of greater coherence (people in love always want to cement their love for ever) will go to the Commissariat to register their marriage in accordance with Soviet law—and yet live apart, the wife in one part of the town, the husband in another; the wife in Moscow, the husband in Tashkent. They meet occasionally—both are working. Their job, their social obligation, has precedence. This form of married life is found most frequently among Communists whose feeling for social duty is more strongly developed. And note that where previously the women were particularly anxious to have a household of their own ("It can't be done without one's own pots and pans, it would not be a family . . .") to-day, on the contrary, it is the husband who suggests that it would not be a bad idea to take a flat, have dinner at home and the wife always about—while the women, especially the growing numbers of women—workers who are being drawn into the Republic's creative activities, will not even hear of a "household of one's own". "Better to separate than to agree to a family life with a household and the petty family worries; now I am free to work for the Revolution, but then—then I would be fettered. No, separation would be preferable." And the husbands have to make the best of it.

Not all of them put up with it, of course. There have been cases of husbands who, outraged by the fact that their wives were more occupied with the Women's Department than with their husbands, would throw the papers of the Women's Department into the fire. But it is not individual cases that count.

Phenomena must be seen in their evolution. We must decide whether this development tends to stabilize or to dissolve the family in the Workers' Republic. And once we follow up the line of development of our economy, it becomes clear that the workers' collective will gradually swallow up and assimilate the former bourgeois family.

(c) *From Communism and the Family.**

Household Work Ceasing to be a Necessity.

There was a time when the entire life of women of the poorer class, in the city as well as in the country, was passed

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saying among the people. For the resources of the husband alone, without the wife's domestic work, would have been insufficient to keep their future household going. But on this point, the interests of the State, the interests of the nation, coincided with those of the husband: the more active the woman turned out to be in the bosom of her family, the more she created products of all kinds: cloth, leather, wool, the surplus of which was sold in the neighbouring market; and thus the economic prosperity of the country as a whole was increased.

The Married Woman and the Factory.

But capitalism has changed all this ancient mode of living. All that was formerly produced in the bosom of the family is now being manufactured in quantity in workshops and factories. The machine has supplanted the active fingers of the wife. What housekeeper would now occupy herself in moulding candles, spinning wool, weaving cloth? All these products can be bought in the shop next door. Formerly, every young girl would learn to knit stockings. Do you ever see a young working woman now knitting her own stockings? In the first place, she would not have the time. Time is money, and no one wants to waste money in an unproductive manner, that is, without getting some profit from it. Now every housekeeper who is also a working woman is more interested in buying her stockings ready-made than losing her time by making them herself. Few and far between are the working women who would take up their time in pickling cucumbers or in making preserves when they remember that the grocery store next door has pickles and preserves ready to sell. Even if the product sold in the store is of an inferior quality, and even though the factory preserves are not as good as those made at home by the hands of an economical housekeeper, the working woman nevertheless has neither the time nor the strength which must be applied in any extensive operations of this kind for her own household. However this may be, the fact is that the contemporary family is becoming more and more liberated from all domestic labours, without which concern our grandmothers could hardly have imagined a family. What was formerly produced in the bosom of the family is now produced by the common labour of working men and working women in factories and shops.

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Soviet Russia, the life of the working woman should be surrounded with the same ease, with the same brightness, with the same hygiene, with the same beauty, which has thus far surrounded only the women of the richer classes. In a communist society the working women will no longer have to spend their few, alas too few, hours of leisure in cooking, since *there will be in a communist society public restaurants and central kitchens* to which everybody may come to take his meals.

These establishments have already been on the increase in all countries, even under the capitalist régime. In fact, for half a century the number of restaurants and cafés in all the great cities of Europe has increased day by day; they have sprung up like mushrooms after autumn rain. But while under the capitalist system only people with well-lined purses could afford to take their meals in a restaurant, in the communist city anyone who likes may come to eat in the central kitchens and restaurants. The case will be the same with washing and other work: the working woman will no longer be obliged to sink in an ocean of filth or to ruin her eyes in darning her stockings or mending her linen; she will simply carry these things to the *central laundries* each week, and take them out again each week already washed and ironed. The working woman will have one care less to face. Also, special clothes-mending shops will give the working women the opportunity to devote their evenings to instructive reading, to healthy recreation, instead of spending them as at present in exhausting labour. Therefore, the four last duties still remaining to burden our women, as we have seen above, will soon also disappear under the triumphant communist régime. And the working women will surely have no cause to regret this. Communist society will only have broken the domestic yoke of woman in order to render her life richer, happier, freer and more complete.

The Child's Upbringing under Capitalism.

But what will remain of the family after all these labours of individual housekeeping have disappeared? We still have *the children* to deal with. But here also the State of the working comrades will come to the rescue of the family by creating a substitute for the family. Society will gradually take charge of all that formerly devolved on parents. Under the capitalist régime, *the instruction of the child has ceased to be the duty of the parents*. The children were taught in schools. Once the child

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warm clothing, of shoes to the pupils of the educational establishments—does not all this sufficiently show that the child is passing out of the confines of the family and being removed from the shoulders of the parents on to those of the community?

The care of children by the parents consisted of three distinct parts: (1) the care necessarily devoted to very young babies, (2) the bringing up of the child, (3) the instruction of the child. As for the instruction of children in primary schools, and later in gymnasiums and universities, it has become the duty of the State, even in capitalist society. The other occupations of the working class, its conditions of life, imperatively dictated even to capitalist society the creation, for the benefit of the young, of playgrounds, infants' schools, homes, etc., etc. The more the workers became conscious of their rights, the better were they organized in any specific State, the more society would show itself to be concerned with relieving the family of the care of the children. But bourgeois society was afraid of going too far in this matter of meeting the interests of the working class, lest it contribute in this way to the disintegration of the family. The capitalists themselves are not unaware of the fact that the family of old, with the wife a slave and the man responsible for the support and well being of the family, that the family of this type is the best weapon to stifle the proletarian effort towards liberty, to weaken the revolutionary spirit of the working man and working woman. Worry for his family takes the backbone out of the worker, obliges him to compromise with capital. The father and the mother, what will they not do when their children are hungry? Contrary to the practice of capitalist society, which has not been able to transform the education of youth into a truly social function, a State task, communist society will consider the social education of the rising generation as the very basis of its laws and customs as the corner stone of the new edifice. Not the family of the past, petty and narrow, with its quarrels between the parents, with its exclusive interest in its own offspring, will mould for us the man of the society of tomorrow. Our new man, in our new society, is to be moulded by socialist organizations, such as playgrounds, gardens, homes, and many other such institutions, in which the child will pass the greater part of the day and where intelligent educators will make of him a communist who is conscious of the greatness of this sacred motto: solidarity, comradeship, mutual aid devotion to the collective life.

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of every new-born child in the world. Nor should you be concerned because of the future of your child: your child will know neither hunger nor cold. It will not be unhappy nor abandoned to its fate as would have been the case in capitalist society. A subsistence ration and solicitous care are secured to the child and to the mother by the communist society, by the Workers' State, as soon as the child arrives in the world. The child will be fed, it will be brought up, it will be educated by the care of the communist Fatherland; but this Fatherland will by no means undertake to tear the child away from such parents as may desire to participate in the education of their little ones. The communist society will take upon itself all the duties involved in the education of the child, but the paternal joys, the maternal satisfaction—these will not be taken away from those who show themselves capable of appreciating and understanding these joys." Can this be called a destruction of the family by means of violence?—or a forcible separation of child and mother?

The Family a Union of Affection and Comradeship.

There is no escaping the fact. the old type of family has seen its day. It is not the fault of the communist State, it is the result of the changed conditions of life. *The family is ceasing to be a necessity of the State, as it was in the past; on the contrary, it is worse than useless, since it needlessly holds back the female workers from more productive and far more serious work. Nor is it any longer necessary to the members of the family themselves, since the task of bringing up the children, which was formerly that of the family, is passing more and more into the hands of the collectivity. But on the ruins of the former family we shall soon see a new form rising which will involve altogether different relations between men and women, and which will be a union of affection and comradeship, a union of two equal members of the communist society, both of them free, both of them independent, both of them workers. No more domestic "servitude" for women. No more inequality within the family. No more fear on the part of the woman lest she remain without support or aid with little ones in her arms if her husband should desert her. The woman in the communist city no longer depends on her husband but on her work. It is not her husband but her robust arms which will support her. There will be no more anxiety as to the fate of her children. The State of the Workers will assume*

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are henceforth only *our* children, those of the communist State, the common possession of all the workers.

Social Equality of Men and Women.

The Workers' State has need of a new form of relation between the sexes. The narrow and exclusive affection of the mother for her own children must expand until it embraces all the children of the great proletarian family. In place of the indissoluble marriage based on the servitude of woman, we shall see rise the free union, fortified by the love and the mutual respect of the two members of the Workers' State, equal in their rights and in their obligations. In place of the individual and egotistic family, there will arise a great universal family of workers, in which all the workers, men and women, will be, above all, workers, comrades. Such will be the relation between men and women in the communist society of to-morrow. This new relation will assure to humanity all the joys of so-called free love ennobled by a true social equality of the mates, joys which were unknown to the commercial society of the capitalist régime.

Make way for healthy blossoming children : make way for a vigorous youth that clings to life and to its joys, which is free in its sentiments and in its affections. Such is the watchword of the communist society. In the name of equality, of liberty, and of love, we call upon the working women and the working men, peasant women and peasants, courageously and with faith to take up the work of the reconstruction of human society with the object of rendering it more perfect, more just, and more capable of assuring to the individual the happiness which he deserves. The red flag of the social revolution which will shelter, after Russia, other countries of the world also, already proclaims to us the approach of the heaven on earth to which humanity has been aspiring for centuries.

(d) From *The New Morality and the Working Classes* (1918).

The attempt of the bourgeois intelligentsia to substitute for the inviolate union of traditional marriage the looser, more easily severed ties of civil marriage undermines the indispensable basis of the social security of the bourgeoisie, the monogamous propertied family.

On the other hand, with the working classes less stability and greater fluidity in the relations of the sexes completely

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It is an old truth that every new and rising class, born of a new material culture different from the previous stage of economic development, enriches humanity by a new ideology inherent in that class. The code of sex morality is an integral part of such ideology. Yet as soon as one ventures to speak of the "ethics of the proletariat" and of the "sex morality of the proletariat", one meets with the shallow argument that "proletarian sex morality is a mere superstructure", that "there is no place for it until the entire economic basis has been transformed". As though the ideology of a class were built up only after the completion of the sudden turn in social and economic relations which assures this class of its supremacy! The whole experience of history teaches us that the ideology, and therefore also the sex morality, of a social group is created during this group's arduous struggle against the hostile social powers.

Only the new spiritual treasures which take shape deep within the rising class and are correlated with its problems can aid this struggling group to fortify its social position; by means of the new standards and ideals alone can it successfully grasp power from the antagonistic social groups.

To establish this basic criterion of morality which stems from the specific interests of the working class, and to regularize sexual standards in accordance with it—such is the problem confronting the ideologists of the working class.

The time has come to understand that only after the creative process that goes on deep in the bowels of society and shapes new demands, new ideals and standards, has been uncovered, only after the fundamentals of the sex morality of the rising, leading class have been established, can one find one's way among the contradictory chaos of sex relations and discover the vital thread which will enable one to unwind the confused tangle of sexual problems.

The time has come to remember that the code of sex morality which corresponds to its basic problems, can be a mighty weapon in fortifying the battle positions of the rising class . . . The experience of history must find at least some application—and what is to prevent us utilizing its teaching in the interests of the workers' class which is fighting for the communist system and for new, more perfect, fuller and happier relations between the sexes?

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simply took his hat and went out without saying a word. While Zhenia, to my involuntary question "Why did you tell me, then, that you did not know who it was who made you pregnant?", answered calmly "I would tell you the same even now. Who caused it—Andrey or the other one—I don't know."

"How do you mean—the other one?"

"Well, yes, during recent months I have had relations with another comrade whom you do not know."

You understand how staggered I was by all this. Zhenia told me that already when she was travelling to the front, taking the parcels, she led a sexual life. But the most frightful and incomprehensible thing was that she declared quite openly that she does not and did not love anybody.

"Why did you come together then? Do you mean to say that the physical demands were so strong in you? After all, you are so young. It's not natural."

"Let me see, mother. I don't think I had physical demands in the way you mean, not until I met that other one with whom I have had a liaison for the past few months."

Now that's over, too. But I liked them and I felt they liked me. It's all so simple. And then it does not tie you down to anything. I can't understand why you should be so worried, mother. If I were to sell myself, or if they had raped me, I would understand. But I did it voluntarily and willingly. As long as we like each other we remain together, afterwards—we part. No one is the loser. Unless we are to consider that because of the abortion I'll have to stop work for a couple of weeks. That's a nuisance, of course. But it's my own fault. Next time I'll take care.

And when Olga Sergeyevna asked her how she could combine two of them and why she did it if she loved neither, Zhenia replied that this had come about by "accident", that the other one—not Andrey—appealed to her more, but that he treated her as though she were "a child", that he did not take her seriously and that that annoyed her. It was because she felt "offended" that she had grown intimate with Andrey who was quite "one of the family", whom she loved very much as a "comrade" and with whom she always felt happy and at her ease.

"And do they know about each other?"

"Yes, I don't consider it necessary to hide anything. If they don't like it they need not kiss me. I am going to live

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DOCUMENT No. 5

EXCERPTS FROM KLARA ZETKIN :
*REMINISCENCES OF LENIN*¹

"With us, too, a large part of the youth are keen on 'revising bourgeois conceptions and morality' concerning sexual questions. And, I must add, a large part of our best, our most promising young people. What you² said before is true. In the conditions created by the war and the revolution the old ideological values disappeared or lost their binding force. The new values are crystallizing slowly, in struggle. In the relations between man and man, between man and woman, feelings and thoughts are becoming revolutionized. New boundaries are being set up between the rights of the individual and the rights of the whole, in the duties of individuals. The matter is still in a completely chaotic ferment. The direction, the forces of development in the various contradictory tendencies are not yet clearly defined. It is a slow and often a very, very painful process of decay and growth. And particularly in the sphere of sexual relationships, of marriage and the family. The decay, the corruption, the filth of bourgeois marriage, with its difficult divorce, its freedom for the man, its enslavement for the woman, the repulsive hypocrisy of sexual morality and relations fill the most active-minded and best people with deep disgust.

"The constraint of bourgeois marriage and the family laws of bourgeois states accentuate these evils and conflicts. It is the force of 'holy property'. It sanctifies venality, degradation, filth. And the conventional hypocrisy of honest bourgeois society does the rest. People are beginning to protest against the prevailing rottenness and falseness, and the feelings of an individual change rapidly. The desire and urge to enjoyment easily attain unbridled force at a time when powerful empires are tottering, old forms of rule breaking down, when a whole social world is beginning to disappear. Sex and marriage forms, in their bourgeois sense, are unsatisfactory. A revolution in sex and marriage is approaching, corresponding to the proletarian

¹ Modern Books Ltd, London, 1929, pp. 56-60 and 68-70. The passages quoted are reproductions of Lenin's utterances when discussing with Klara Zetkin his attitude to the problem of the Family. The book was published after Lenin's death; but his remarks were certainly intended as a rejoinder to the point of view which we found explained in the preceding document. [R.S.]

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It is rationalism, and not Marxism, to want to trace changes in these relations directly, and dissociated from their connections with ideology as a whole, to the economic foundations of society. Of course, thirst must be satisfied. But will the normal man in normal circumstances lie down in the gutter and drink out of a puddle, or out of a glass with a rim greasy from many lips? But the social aspect is most important of all. Drinking water is of course an individual affair. But in love two lives are concerned, and a third, a new life, arises. It is that which gives it its social interest, which gives rise to a duty towards the community.

"As a Communist I have not the least sympathy for the glass of water theory, although it bears the fine title 'satisfaction of love'. In any case, this liberation of love is neither new nor communistic. You will remember that about the middle of the last century it was preached as the 'emancipation of the heart' in romantic literature. In bourgeois practice it became the emancipation of the flesh. At that time the preaching was more talented than it is to-day, and as for the practice, I cannot judge. I don't mean to preach asceticism by my criticism. Not in the least. Communism will not bring asceticism, but joy of life, power of life, and a satisfied love life will help to do that. But in my opinion the present widespread hypertrophy in sexual matters does not give joy and force to life, but takes it away. In the age of revolution that is bad, very bad.

"Young people, particularly, need the joy and force of life. Healthy sport, swimming, racing, walking, bodily exercises of every kind, and many-sided intellectual interests. Learning, studying, enquiry, as far as possible in common. That will give young people more than eternal theories and discussions about sexual problems and the so-called 'living to the full'. Healthy bodies, healthy minds! Neither monk nor Don Juan, nor the intermediate attitude of the German Philistines. You know young Comrade —? A splendid boy, and highly talented. And yet I feel that nothing good will come out of him. He reels and staggers from one love affair to the next. That won't do for the political struggle, for the revolution. And I wouldn't bet on the reliability, the endurance in struggle of those women who confuse their personal romances with politics. Nor on the men who run after every petticoat and get entrapped by every young woman. No, no! that does not square with the revolution."

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We must root out the old 'master' idea to its last and smallest trace. In the Party and among the masses. That is one of our political tasks, just as is the urgently necessary task of forming a staff of men and women comrades, well trained in theory and practice, to carry on Party activity among working women."

To my question about the conditions in Soviet Russia on this point, Lenin replied: "The Government of the proletarian dictatorship, together with the Communist Party and Trade Unions, is of course leaving no stone unturned in the effort to overcome the backward ideas of men and women, to destroy the old un-communist psychology. In law there is naturally complete equality of rights for men and women. And everywhere there is evidence of a sincere wish to put this equality into practice. We are bringing the women into the social economy, into legislation and government. All educational institutions are open to them, so that they can increase their professional and social capacities. We are establishing communal kitchens and public eating-houses, laundries and repairing shops, infant asylums, kindergartens, children's homes, educational institutes of all kinds. In short, we are seriously carrying out the demand in our programme for the transference of the economic and educational functions of the separate household to society. That will mean freedom for the woman from the old household drudgery and dependence on man. That enables her to exercise to the full her talents and her inclinations. The children are brought up under more favourable conditions than at home. We have the most advanced protective laws for women workers in the world, and the officials of the organized workers carry them out. We are establishing maternity hospitals, homes for mothers and children, mothercraft clinics, organizing lecture courses on child care, exhibitions teaching mothers how to look after themselves and their children, and similar things. We are making the most serious efforts to maintain women who are unemployed and unprovided for.

"We realize clearly that that is not very much, in comparison with the needs of the working women, that it is far from being all that is required for their real freedom. But still it is tremendous progress, as against conditions in Tsarist-capitalist Russia. It is even a great deal compared with conditions in countries where capitalism still has a free hand. It is a good beginning in the right direction, and we shall develop it further. . . ."

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PART II

THE 1926 FAMILY CODE AND THE PRACTICAL APPLICATION OF SOVIET FAMILY LAW

DOCUMENT No. 6

DISCUSSION OF THE DRAFT OF THE CODE ¹

(a) In the Second Session of the Central Executive Committee (V C I K.) of the R S F S R., Twelfth Election Period ²

FIFTH MEETING, OCTOBER 17, 1925

Address by People's Commissar of Justice Kursky

Soon after the 1918 Family Code had been approved juridical questions were brought up before the session of the All Union Central Executive Committee—questions of the family, of marriage and guardianship—which concern the broad masses of the workers, which concern literally all and sundry

¹ A lively impression of the effects of early Soviet matrimonial legislation and of the predominant trends in public opinion in town and countryside may be gained from a study of the discussion of the new Family Code by the Soviet Parliament, and the opportunity to familiarize ourselves with the working of Soviet parliamentarism during the N. E. P. period as well as with stimulating interesting argument on fundamental issues of democracy (see below pp. 119-21) contributes to the interest we are likely to take in this document apart from the immediate subject of this book. However space has set some limits to our study and nearly all the speeches reported (not only where the fact is explicitly stated in view of the necessity of our restricting ourselves to short excerpts) are reproduced only in part. Others have been entirely omitted. Such a selection of necessity to some degree reflects the editor's subjective opinion as to the respective importance of the various trends but I hope to have succeeded in giving all of them their hearing. The reader will notice that some of the speakers in the 1925-6 discussion already put forward the essential argument in favour of important parts of the recent (1944) legislation.

In order to appreciate the importance of every argument in its historical setting the reader will remember that at this time (1925) we are in the midst of the N. E. P. The revolutionary conquest of power is still of recent date. People are afraid that religious custom or prejudice may threaten the foundations of the new State and feel it necessary to pay special homage to loyal clergy as distinct from potential counter-revolutionaries (see below pp. 95, 143 and 149). In the village the kulak is strongly entrenched and he takes whatever profit he can from the dissociation of the traditional household of the middle-peasant which had already begun in pre-revolutionary times. The reported discussion so far as it originated from rural conditions, focuses around the fear lest progressive family legislation should hasten that process or that, alternatively mistakes in that field should place young women at the mercy of exploiters who are not necessarily less disagreeable because they are relatives. Though in the Party caucus the contest with the left-wing opposition is at its height, we hear in the hall no argument on the basic issues on which the justification or otherwise of

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Before coming to its characteristic aspects I must dwell for a moment on the Family Code which it is going to replace. The 1918 Code was based on two decrees issued by the Soviet government during the first months of its existence—the December decrees on divorce and on the registration of births, deaths and marriages.

During the first months of its existence the Soviet government removed wherever it could the inequality and injustices which we inherited from Tsarist rule. The Family Code fundamentally altered all the previously existing relations, inherent in the Tsarist system and in all bourgeois countries, which derive from the axiom that the family is the primary unit—above all a property-owning unit—on which bourgeois society is based.

This central proposition on which the bourgeois family rests grants all privileges, all rights in this property-owning unit to the man at the woman's expense. The State-formulated conception of legal marriage fortifies this bourgeois unit and gives no recognition to any relations existing outside such marriage. It either considers them legally negligible or, latterly, has here and there accorded such relations an appearance of protection very feeble protection. Apart from this Church marriage has a definite importance in all bourgeois countries, even those where the Church is separated from the State. In France, for instance, where Church and State are separate entities a marriage must first be concluded in accordance with civil law and then formalized by a Church ceremony. The State thus provides the Church rite with a definite importance.

The Family Code of 1918, depriving Church marriage of any significance, granted civil recognition only to the civil—Soviet—marriage. For our country this was, of course, a fundamental revolution, and it is now interesting to see to what extent the new Code which replaces the clergy's parish registers in registering births, deaths and marriages took roots in our life.

I will draw your attention to data in the possession of the People's Commissariat of Internal Affairs relating to these

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Thirdly, there is increased protection for the children in cases where a marriage is annulled either by divorce or at the unilateral desire of one of the spouses

Fourthly, we introduce a demand for certain guarantees before a marriage is registered, which will make for greater care in the concluding of marriages.

Lastly, in some cases the property relations between the married parties have been differently construed

You can see how many points of difference there are between the new project and the old one I will now deal with these points one by one

First point —the change in the rôle and importance of the fact of registration The previous Code was enacted at a time when Church marriage still prevailed and there was still no other way of formalizing marriages To counterbalance the Church ceremony, the Code provided for the setting up of Registrar's Offices and afforded the protection of the Law only to those marriages which had been registered under the order established by the Code This was laid down in article 52, which declared "Only those civil marriages which have been registered at the Offices of Registration of Births, Deaths and Marriages, shall involve the rights and obligations of married parties as set out in this section" Even at that time (I myself took part in the session of the All Russian Central Executive Committee which accepted that Code), even at that time the criticism was voiced that by such limitations *de facto* marriages would be deprived of absolutely all rights, since registered marriages alone enjoyed the State's protection and that in only one respect, namely in connection with children were *de facto* marriages protected by the law

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of establishing, in case of dispute, the necessary juridical aspects before the law. It is for precisely these reasons that we make the material consequences of *de facto* marriage the same as those of registered marriages. That is the fundamental standpoint of our new project. By a number of notes, to be precise by a note to article 9 and a note to article 11, on the most essential aspect—that of property relations and rights to alimony—we render *de facto* and registered marriages equal. It was in order to introduce this standpoint that we had to effect a fundamental change in the very significance that registration had under the old Code.

I must also examine the conditions under which, according to the project, marriages can be registered. There is first of all the question of marital age. Under the old Code we fixed the marital age at 16 years for women and 18 years for men. There has been much controversy on this question. It has been pointed out that in certain regions the marital age should be lowered. But that is not all— from the comments of some of the discussion groups arranged by the Executive Committees to whom this project was sent we see that there exist two quite opposite points of view on the subject. One conference holds that in order to provide for a healthier generation the marrying age should be raised to 19 years for men and 18 years for women. The opposite viewpoint asserts that the marrying age must be lowered in the villages to 17 years for men and left at 16 for women.

(Comrade Samursky, from the floor: Bring it down to 15!)

Kursky: While our comrades from the Caucasus feel that an even greater lowering of the marrying age is called for where racial characteristics include an earlier sexual maturity, we have found the following solution. In extreme cases the District Registrar's Offices are empowered to lower the minimum marital age as set down in this article, by not more than half a year, i.e., to 17½ and 15½ respectively. Amendments may be introduced to this when the project is being discussed in detail.

As regards the rights of women and children the most essential point is the so-called question of alimony, the right to support and maintenance when a marriage is dissolved for any reason, and in general the married party's claim to support as well as the children's claim to be supported by their parents.

We tackle this problem by laying down that a destitute spouse who is unable to work has a right to support. Here is the text of article 11.

of establishing, in case of dispute, the necessary juridical aspects before the law. It is for precisely these reasons that we make the material consequences of *de facto* marriage the same as those of registered marriages. That is the fundamental standpoint of our new project. By a number of notes, to be precise by a note to article 9 and a note to article 11, on the most essential aspect—that of property relations and rights to alimony—we render *de facto* and registered marriages equal. It was in order to introduce this standpoint that we had to effect a fundamental change in the very significance that registration had under the old Code.

I must also examine the conditions under which, according to the project, marriages can be registered. There is first of all the question of marital age. Under the old Code we fixed the marital age at 16 years for women and 18 years for men. There has been much controversy on this question. It has been pointed out that in certain regions the marital age should be lowered. But that is not all— from the comments of some of the discussion groups arranged by the Executive Committees to whom this project was sent we see that there exist two quite opposite points of view on the subject. One conference holds that in order to provide for a healthier generation the marrying age should be raised to 19 years for men and 18 years for women. The opposite viewpoint asserts that the marrying age must be lowered in the villages to 17 years for men and left at 16 for women.

(*Gorvade Samursky, from the floor* · Bring it down to 15 !)

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tions not more than half the wages earned may be exacted. The problem is here, therefore, more or less regularized.

But our peasant comrades among the members of the All Russian Central Executive Committee will no doubt have their say as regards the villages. And the judges' meeting heard the main objections and had its attention drawn to the question of alimony where peasants are concerned.

In the Land Code there is a rider to the basic article 66 which says: Persons joining a *Dvor* by marriage or adoption acquire a right to use the land and the communal property which constitute the *Dvor* in question in accordance with common law, at the same time they lose their rights in any other *Dvor*.*

This clause of the Land Code unquestionably entitles the peasant wife to maintenance, even if she is divorced during the first year of her marriage. Officially she has a claim to a certain portion, calculated by the membership and property of the *Dvor*. This point called forth serious objections on the part of the peasants. It was pointed out that this would lead to the impoverishment of the *Dvor*. But in all fairness we must recall that if there have indeed been cases where the payment of alimony went beyond the powers of a *Dvor*, on the other hand our enquiries have shown that among the peasants there are cases of so-called "working wives"—girl workers who are taken as wives by registered marriage and subsequently ejected from the *Dvor*. I do not know how widespread this sort of thing may be, but it has been taken up by the press and recently a journalist Brigin published an account of this usage under the headline *A Wife For a Season*.

There is another point to which our meeting paid special attention: as a matter of court practice it has become the rule that where a peasant wife's claim to support is investigated, the property of both *Dvors* must be borne in mind, if the wife returns to her own *Dvor* and her material conditions become no worse than before, she is not entitled to alimony.

The meeting suggested that the demand for alimony might be satisfied in kind. Our courts pointed out that sometimes decisions like the following are made: a peasant woman who has one child is divorced, she takes the child with her, and with it is given a cow, in consideration of which her rights to alimony are cancelled for two years.

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plaintiff is recognized by the court to be the father (*laughter*), unless he succeeds in proving that he was not implicated, in which case he will be freed from the responsibility.

Such are the main questions regarding the right to alimony which I thought fit to examine. Of course the comrades who are going to state their opinion of our project may devise a different solution; but I think that they will not discover a new way of tackling this problem until the day when the State undertakes the bringing-up of all children. Vladimir Ilyich (Lenin), in his lecture to the workers of Moscow in 1919, pointed out the road we must travel—the road that leads to the communal rearing of children.

For the towns, the road signs pointing the way have already been erected. But these new methods have not yet found their way into the villages, where we still have some 20,000,000 private households with the smoke daily rising from the family hearth and individual management still in charge. There the problem will not be solved so soon, and we must therefore think hard how to safeguard the rights of women in the villages particularly.

And what is happening in those national republics where the marriage problem has made no progress at all? I have already outlined the fact that in the heart of the R.S.F.S.R. (Russian Socialist Federative Soviet Republic) registration of marriage has become a widespread habit and the rights of women are protected by our law. But in the national republics, as I discovered recently when studying this problem, we have not even got to a proper beginning yet.

(*Comrade Samursky, from the floor* And we won't get there soon!)

Kursky: In the distant Auls * and far-away Nomad camps we still find, untouched and inviolate, the antediluvian custom of formalizing marriage and family under the auspices of the clergy.

Comrade Krassikov.

It would seem to me that Dmitry Ivanovich [*Kursky*] has not sufficiently explained what is at the root of the fundamental changes in the structure of the law. For in its essence—to put it bluntly—it boils down to the fact that the concept of "legal" registered marriage is abandoned. In one word, once we pass this law, we shall cease to have legal marriage.

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protected. But this in no way means that for this purpose we must throw overboard the registered marriage, i.e. the Soviet conception of marriage is based on certain conditions. This Soviet conception must be developed with reference to family and working conditions.

I am not moved by the fact that the new law will differ from bourgeois law or that certain bourgeois elements will be displeased by this definition. It seems to me that we did not take these objections into account in our creative activities, but this project appears to take a new road—the road of a certain opportunism. By this I mean that the law is refusing to lead the population in a certain direction and to set certain norms, but instead adapts itself to all and everybody.

If a certain layer of the population even now dislikes the Soviet marriage does that mean that we should not have introduced it in 1917? No, we introduced it despite the fact that our Soviet non-religious marriage was unsuitable for a large number of citizens who did not accept the Soviet system—who even now, in this period of transition, constitute a considerable number.

In my view, the problem being what it is, there is no sense in condemning registered marriage, destroying the conception of marriage and at the same time providing for conditions under which this marriage, with the aid of a court or other institution, can be shown to exist. If we reject the definition of marriage, i.e., the criteria by which we can judge that certain persons are in a state of marital relations, we shall have to fall back on the practice of the law courts—the higher and appeal courts, and we shall thus pass to the American system under which the rulings of court establish the law.

(Comrade Krylenko from the floor. That's not bad!)

That is not bad, but it must be admitted that in so doing we reject the creativity, the instructions of the workers and peasants to examine marital relations from the point of view of work, economy and family—and instead take our stand on such indifferent ground that the criteria become quite elusive. In the eyes of some anarchist or some bourgeois intellectual certain relationships will constitute marriage and others may not.

Let us for example consider article 5, which says: "Marriage is not to be registered between persons one of whom is already in a state of marriage." What marriage? Who is to determine whether one is married or not? Dmitry Ivanovich

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This law lacks clarity and precision, and the peasant and worker likes precision. For the peasant marriage is a family, an economic, a terribly vital question, and he will go to the church because Church marriage will satisfy him on all counts. He will thus be able to do without registration.

In giving free rein to this tendency we present the Church marriage, the sectarian marriage and all other kinds of marriage with a chance of strengthening their hold; for up till now the loyal churchmen, the loyal sectarians, and generally the people who tried to be loyal although they felt no sympathy for the Soviet law—up till now they have registered their marriages. The priests, for example, although no law compels them to do so, before performing the marriage ceremony ask: "Has the marriage been registered? Have all the demands of the law been met?" They put this question, and they perform the ceremony only after they have received a certificate from the Registrar's Office—in order that the marriage should be proper and not in conflict with the Soviet law.

Once this project is passed, this motive disappears, disappears for the priest because the citizen need no longer register, because registration is no longer the legal expression of marriage, and he will be perfectly correct in not asking about registration and will still be acting loyally.

Marriage, in so far as it creates a family and a working union, demands that its bases be strengthened, that it be publicized, so that everyone should know that two given people are a married couple. What is the essential criterion of marriage? Not the inner understanding between the parties, not only their manifestation of will towards each other, but also towards the society which surrounds them.

Comrade Kartyshev.

In my opinion we shall have to cut out a number of points from the original project. The most important problem, especially in our society of workers, is the problem of providing support for the incapacitated spouse, and particularly for the unemployed. If we accept the project as it stands, a number of dandies and spongers are bound to make it their reason for choosing the most well-off working girls. As owing to their laziness nobody keeps them employed for long, they are permanently unemployed, and all the time are trying to live at other people's expense. The women dandies will do the same

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society two or three times, have talked, have helped a comrade to find her way even only through the intricacies of a political question (*laughter*)—there you go, marched off to court. We hear of such facts when paternity suits are brought forward. They will produce by way of evidence that the defendant really *did go to some pub or restaurant, that he did have a pint, or that he did see her home.* We must pay attention to this aspect. We must show these addicts of parasitism their proper place. No one should be allowed to exploit this problem. The commission will have to revise this part of the law completely.

As for the point that the court must recognize one father while there are several, and while scoundrels may be cited as witnesses—I feel that this is not just. Each one should be made to pay—this would be fair and in the child's interest. Otherwise it looks as though the court, under pressure from the Women's Department or for some other reason, might recognize as father not our drainage man who earns 40 rubles but the most well-to-do person, even though the latter be innocent. For this reason we must make each one pay the full sum.

Yet another problem: the so-called establishment of marriage. Here Comrade Krassikov promised us mountains, and then—at least that is my impression—he did not produce one molehill. Was it worth while speaking in the co-report for that? What norms do you want to set up and is it necessary, now that the law fully provides for woman?

Woman must not be the weak party; but we must go further, and the first thing we must state in our code is that marital relations may be registered or non-registered, a point which so far is made only indirectly. We must also provide for the case where connubial relations exist between parties wishing to remain financially quite independent of one another. They must be given this right, and the article relating to financial relations must be further developed and rendered more precise.

Imagine the following case: Two skilled workers, a man and a woman, or, say, two responsible employees, come to associate. Financially they do not wish to have anything in common. Their whole marriage is based on mutual attraction, on cultural and ideological understanding and on sex relations. Neither of them has a financial interest in this marriage, but the court, basing itself on the article, will perforce insist on an encroachment on the rights of husband or wife. In so far as this is so, another article should be introduced stating that

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the men are to blame (*laughter*). Don't be angry I am not so young any more I won't lie (*laughter*)

There are many of these divorces, but consider do they benefit us in any way? Every one of us, every man or woman, will agree, they do not. For example a man and a woman get divorced They own a little house, a cow, and they have three children And here they are, splitting their little property in two. The mother of course will not leave the children with the father, for children are always dearer to the mother What is the woman to do now, with her children?

There is no danger for the husband He will find another woman to live with But for the wife life under such conditions is terribly difficult The result of it all is poverty, and we have too much of that as it is You yourself have pointed out what we lack Above all we lack children's homes If the State had made itself responsible for all this, it would not have managed This is no matter for laughter, but for tears

Now I shall turn on the men (*laughter*) I shall not take them under my protection Husband and wife get divorced We women are not yet fully educated, we are still in the dark, we were enslaved for centuries All we know is priest's gossip—which we are only now beginning to forget—about “the wife must fear her husband” But now women are beginning to learn a little

Despite the fact that I am an old woman I have just had a parcel from the Caucasus (*laughter*)

We are being drawn into all sorts of work Our men comrades, they know a bit more than we do You must teach us, you must not just laugh and giggle, that is of no use, particularly on the part of the enlightened comrades, the Party men I do not consider this the way of comrades They should be the first to give the women a hand, to teach them, show them the way about which Vladimir Ilyich used to tell us You must not forget that Vladimir Ilyich was the first to sound the battle-cry on behalf of the oppressed women

His road should be followed At any rate there should not be laughing at women To us that is very insulting

What is the position of a peasant woman? She looks after the house, she sews, she washes and she helps her husband take in the harvest, while he—forgive me, comrades, for saying so—he will not go to bed alone and she has to obey his pleasure. And if she does not, he kicks her out (*laughter*)

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(Kurz, from his seat. Of course!)

Of course not, Comrade Kurz. It is obvious that after the separation, even after the announcement of the decision on alimony, it is important for the State what course the life of the growing child will take, under what conditions he will be brought up and what kind of citizen he will make. Once we examine the marriage law from this perspective, we shall have to say: "It is necessary, apparently, that marriages should be stable."

As far as I know expert biologists have been asked in this connection which sort of marriage produces the better offspring, a permanent, stable one or one of short duration. As far as I remember opinions on the subject were divided, there was no unanimity. Let us put it in this way, therefore, that where the biological value of the descendants is concerned the question remains obscure, whereas from the point of view of social consequences we should decide in favour of continuous marriages—in so far as we are unable to arrange for community education for children and demand that the children be brought up in the family. A great deal of the present neglect of children¹¹ must be attributed to the disintegration of the family.

Comrade Lapastina (Kostroma District)

As a loom worker I would like to say a few words in connection with our married life. We are very grieved at the rather unpleasant aspects it still presents. We do not want to give too much praise to the women, to vindicate them at all costs and to assert that they are always right and the men always in the wrong. But, comrades—men must confess that in most cases it is they who are guilty.

When one works at the loom one finds occasion for some very disagreeable observations. There is a man who, though he takes no part in the social work, does his own work properly and respects his wife. As soon as he is promoted, they become estranged. He begins to avoid his wife and family, he no longer loves her. One of the comrades has suggested that the whole trouble begins with marrying a young girl who does not

¹¹ The Russian phrase used is *deti bez prazheniia* used to describe the running wild of uncared for children—a phenomenon which had then become one of the major problems of post-revolutionary Russia. [Tr.]

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legal consequences arising out of marriage derive not from the registration, the written record of this act, but from the sheer fact of connubial cohabitation.

Once we remember these two points in viewing those main objections levelled against the project, which have led some of our comrades to think that the Code needs complete revision, we shall come to quite different conclusions.

The first objection to the project asserts that with the acceptance of the Code legally defined marriage will have come to an end. This statement of Comrade Krassikov lacks all foundation. We shall have no difference between "legal" and "illegal" marriage, just as we do not differentiate between legitimate and illegitimate children—but that is the very basis of our matrimonial Code against which no one will argue.

. . . In this connection they assert that unless the legislature provides a definition of marriage, the court will be at a loss what to do. The court will know how to act; the best proof of this is provided by previous court practice, when the judges considered the circumstances in the light of the evidence, when they considered how people lived, for how long they had lived together, whether they ran a common household, whether they appeared in public as husband and wife. It is a fact that the judge can act without a definition from the legislature, indeed, *can the legislature devise a general definition?*

Comrade Beloborodov expounded at length the theme that it is essential to have continuous and stable marriages. I have read a statement by Comrade Popova in *Izvestiya* where she says that the possibility of frequent divorce should be curtailed and that measures should be taken to prevent each of the married parties from changing their "other half" so often. This may be right, but we must not let the law alone shoulder these extremely grave and complicated functions.

Comrade Beloborodov raised physiological and political considerations in asking whether protracted or short-lived marriages are biologically healthier. I myself am unskilled in this field, but so far as politics is concerned I do not think he is right. We should hardly aspire towards highly stable families and scrutinize marriage from that angle. But I cannot dwell on this subject now, and shall not occupy myself with either physiology or politics. In my opinion, this is how the question should be put: If you object to a frequent change of spouse, with what weapons do you propose to fight it? For if to-day we set down

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marriage and guardianship is of primary concern to the villages the interests of the economic community of the peasant *Dror* and the family structure of the peasantry. In view of all this Comrade Sentsov proposes that the present Code be discussed here, but accepted only as a basis and then circulated in the country, together with the material furnished by the discussions of this session, and that after being debated locally it should then be finally approved at the next session of the All Russian Executive Committee.

I consider it necessary to accept this motion if a large number of comrades vote for it. It is clear that legislation which in fact literally concerns one and all—as I have already stressed in my speech—legislation which makes very important changes in the previously existing marital relations really requires especially serious discussion. I therefore propose that the discussion of the project continue and that Comrade Sentsov's motion come up for debate, while at the end of the debate I shall put this motion to the Session for its decision.

If the motion is accepted the project of the Soviet of People's Commissars should be accepted as a basis and then be circulated together with all other material.

Comrade Baranova (Tver District)

I shall mainly examine article 11, Chapter III, of the draft,¹⁴ about which many comrades have already expressed their views and which deals with assistance for the needy spouse in the case when one of the two is unemployed.

It seems to me that it is not sufficiently clear and that this article should be decoded. It is no secret that such assistance is being given even now, but when this is accepted into the law, people will rely on this article for guidance. I also feel that there is some foundation for comrades' speeches pointing out that there will be abuses—that there will be idlers—as comrades put it—on both sides who would abuse this article and utilize it in evading work. I share these views and think the article should be tightened up, by setting down some period over which this help will be granted or some similar details, and that in general this article should be improved upon.

Furthermore article 11,¹⁴ I believe, says that the property acquired by the married parties during their married life should be shared since they acquired it together. This point brings

¹⁴ Arts. 10-11 and 14 of the final text (doc. 7) [R.S.]

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There is no compulsion, but it does not follow that if a peasant is promoted he must leave his peasant wife and marry a town girl. For townsmen this law has no particular significance, but for the peasants it means a great deal, especially for a peasant woman. When a peasant woman is abandoned with her children she is capable of anything—she could kill herself and her children.

A few words in connection with the sharing of property. It was said here that a woman who stayed in the family for two or three years after her marriage is to receive part of the property upon divorce. I do not think this is just. To my mind, where the property was really acquired during marriage, they are entitled to share it, but if they have lived together for a year without making any acquisitions they need not share anything. It happens very rarely that husband and wife live by themselves, in most cases they live with the entire family, who would all have to suffer.

I divorce my wife. We have children. My wife immediately appeals to the court and I am ordered to pay for the children. Why should my whole family suffer on my account? As there was a common household, the court decides that the entire household must contribute. We must pay attention to this point. The husband's share in the household should be taxed—why should my brother suffer?

(*Comrade Krylenko, from his seat*. The brother will not be called upon!)

If we live together, the whole family suffers. If I am ordered to pay 100 rubles and the family owns two cows and one horse, we shall have to destroy the whole household, since if we live together the sum will be levied on the common household. We must watch this point more seriously. By all means take the husband's share, take all of it—that will "cure" him for ever. But as things stand, people indulge at other people's expense. We must see to it that this sort of thing does not happen again.

For frequently this is what happens: two brothers live together, one of them has six children, the other is a bachelor but has gone far enough to have a baby. For a year he has not paid for it, and the court orders him to pay 60 or 70 rubles—and the whole household has to be ruined. Why should my brother be responsible for me, when he has six children and I none? The brother suggests to him that he should marry, but he says, "No, I am in love with another woman."

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This is pardonable, and in this connection our achievements, in that we do not torture one another, do not tie people to each other for life, are excellent. But I cannot forgive the man who lived with his wife for twenty years, had five children, and then ceased liking his wife. Why did he love her before and ceases now? Shame on you, men comrades!

(*Comrade Krylenko, from his seat: They don't ask your forgiveness!*)

They do not, but I am discussing facts, things which exist. He notices that his wife is badly dressed and has become ugly. But why does he not understand the reason for her ugliness? For she is worn out, and often on his account. And why is she badly dressed? He should dress her as he has dressed the one for whom he has betrayed his wife. Why should he not dress her as any decent human being should be dressed? One of the comrades spoke of love. At such a man's age, there is no love. What love can there be, after twenty years? That is not love, that is bestiality. For this is how they understand it: "Here is freedom, I feel untrammelled, give me a divorce."

That will not do at all, men comrades. Unless we all, both men and women, impose limits on ourselves, we shall go on debating this problem at every meeting without ever achieving any useful result.

Extracts from the speech by Comrade Sapogova (Ivanovo-Voznesensk).

I shall dwell for a while on the early marrying age. I am a loom-worker and I am constantly among the working masses and the peasants.

It is not merely, as some comrades stressed, a question of maturity or immaturity. Fixing an early marrying age facilitates legalized rape. Some comrades may think it funny that an adult person should submit to legalized rape. But this is how things are among workers and peasants. One can observe cases where parents who financially are poorly off, try in their own interests to marry their daughter off as early as possible. "You are already entitled to be married, and it has such and such advantages," they will say. One can see this happening everywhere. We still live with the old traditions: just as our parents did not know how to bring us up, so we will be unable to teach our children.

A girl is married at the age of 16. How can she look after herself as the mother of a child?—in our country it is chiefly

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of husbands and a norm of wives sanctioned by the law. It was suggested that we interfere in certain cases—for the sake of the integrity of the *Dvor*—in the private relations of some people, or, as I commented from my seat at the time, "compel them", force them in the old fashion to continue their cohabitation at all costs when one of the parties declares his unwillingness. It was suggested—and is typical of the state of mind of those who made the suggestion—that a compulsory Soviet marriage be established; and in this connection it was said that the law should reject and not take into account perhaps millions of people who maintain *de facto* marital relationships.

If this were suggested with a view to preserving the household, etc., one could still understand it. But when a trained lawyer, like Comrade Krassikov, stepped forward with similar suggestions, it was clear that these comrades had not asked themselves the principal question: for what purpose this law was enacted.

And yet this question is answered clearly and with precision by the first basic article which says: "Registration of marriage is established with the aim of facilitating the safeguarding of personal and proprietary rights and the interests of spouses and children,"—wherever the law is summoned to the defence and protection of these interests. And yet we are told: "All you require is to establish compulsory registration, rejecting, disregarding the huge numbers of people maintaining *de facto* relationships; leave these without the support of the law—which ought to aid the helpless—leave them unaided in future, too, and all this because this formality had not been observed in good time, because their marriage was not registered." Can we possibly adopt this viewpoint for even one minute?

Under prevailing conditions where economic inequality exists, and where owing to our period of transition life's economic problems are—as one comrade rightly said—the decisive factor for the majority, can we under such conditions set up the rule which much to my surprise was advocated by another lawyer, Comrade Yakhontov: that a woman who has entered into relations with a man already married to another woman by registration, shall not enjoy a wife's rights and shall not be protected by the law? What are "a wife's rights"? According to our Code these are definite rights of property which will allow her to put up a fight for her existence, under certain conditions including that of economic inequality. And yet it is proposed

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basic problem put forward by Comrades Krassikov and Beloborodov, against which some objections have already been raised. Comrades are afraid that our attitude towards the question of optional registration of marriage, our equalization of registered and non-registered marriages, will lead to polygamy. The fears expressed by these comrades naturally demand serious attention.

It has been attempted here to examine into the occurrence of so-called *de facto* marriages. We can provide some statistics of non-registered *de facto* marriages, those which are acknowledged by both spouses. We are in possession of the 1923 census of the Central Department of Statistics and the data for the same year which are to be found in the Central Registry Office (Z.A.G.S.). The Registry Office data show that for every 10,000 persons in 1923 there were 127 registered marriages; the Central Department of Statistics data show that for every 10,000 people in 1923 there were 134 marriages. These additional seven marriages are those *de facto* marriages which during the census were announced as marriages. These are regular and stabilized marital relations which by the parties involved are regarded as marriages, and it is to this group of *de facto* marriages that we primarily give our protection.

For even under the existing code *de facto* relations, even though only temporary, are given protection, including a right to alimony, if they involved pregnancy and the birth of a child. Thus this group of *de facto* marriages has been acknowledged before.

There remains only a certain proportion of *de facto* marriages which, being childless, perhaps appear doubtful to one of the spouses, i.e., to one of the parties involved, but which would cease to be doubtful if the matter were argued out in court and if by varying evidence it were established that this marital relationship was of a continuous nature and that it was in fact given public recognition by the parties involved, as Comrade Brandenburgsky has rightly pointed out. This group of *de facto* relationships alone is in question, with the aim of widening the compass of legal protection.

Naturally we must adhere to this aim and refrain from introducing any limitations, since if we do, even in the form of defining the very conception of marriage, we should go against the interests of the women, the weaker parties in this question. I therefore consider that the argument against the attitude of our project towards registration does not stand up to criticism.

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Next, I want to examine the safeguards of marriage which we put forward in article 5.¹⁴⁰ The speeches both of men comrades and especially of women comrades seem to demand that, before marriage is concluded, not only should a signed statement be produced to the effect that there is no infection with venereal disease, tuberculosis or any other contagious disease, but that a doctor's certificate of health should be submitted. That is the extent of these demands.

This problem was discussed in the Soviet of People's Commissars, and it was decided that at the present moment we cannot afford to be as particular as, for instance, a certain Dr. Zakharyn who examined his own prospective son-in-law before giving his permission for his daughter's marriage with this young man. In time, perhaps, we shall reach such an attitude. We are in any case trying to provide a safeguard by this signed statement, which, by the way, has already become a standing practice at a number of Registrar's Offices.

As to article 7—relating to surnames in marriage—I will remind you that in 1924 a law was passed under which a common surname was not obligatory. Under our former Code in 1918 a common surname was obligatory for the spouses, either the husband's or the wife's or a combination of the two. Practice has shown that in this particular regard we have a number of cases where those who get married do not wish to change their surname, and the Registrar's Offices were faced with this demand. This problem is set by life itself, and our project rules that a common surname is not obligatory. One peasant comrade has pointed out the practical difficulties likely to ensue from a difference in surnames; but under the existing Code, too, the original surname is resumed after divorce. So that in practice we face quite a number of complications which have to be considered. By keeping the common surname optional, we preserve for each party that outward independence which is indeed so necessary and which is inherent in all our articles.

Passing on to the question of property between spouses, I

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the law. She cannot be held to be destitute, a woman unable to work. As regards this inability to work, headaches are no reason for such an inability.

The project of the Soviet of People's Commissars has one weak spot: the right to alimony during unemployment. This is a danger spot, because it is conceivable that people may shirk work. In practice there will probably be some modification of this point, in the form of registration at the labour exchange in order to establish the cause of the unemployment. The principal modification introduced in connection with the right to alimony is sufficient to guard the law against any abuse, especially in this sphere.

I must also draw attention to the interesting speech made by Comrade Baranova, who approached the subject most thoughtfully. Her speech had only one shortcoming: she was unfortunately not acquainted with certain articles of other Codes.

It is precisely in connection with the right to alimony that arguments crop up among peasants, among members of a *Dvor*. I have been sent a note asking how this right agrees with the Land Code. This code contains articles which provide against a splitting up of the farming establishment. Now, where a divorce is granted by the courts, a right exists to a share of the *Dvor*. But among peasants these matters are regulated under the Land Code, which states that no demand for the sharing out of a *Dvor* can be made where less than two years have elapsed.¹⁸ An article to this effect is contained in the Code. In consequence, where divorce takes place before the lapse of this period, there is a right to alimony in kind only; and as I have already mentioned, there have been cases in which the courts have awarded a cow to provide for the feeding of an infant and similar cases.

Such are the existing modifications. In any case we cannot deviate from the basic right to support. We cannot refuse a peasant woman the right to alimony, the claim to a certain portion of the property comprised in the peasant *Dvor*. Otherwise we should leave these women unprotected. In our endeavours to preserve intact the economic strength of a *Dvor* we should be forcing an unemployed woman on to the streets, we should be penalizing an innocent woman who has been divorced by her husband or forced to leave him through intolerable conditions arising in the *Dvor*.

¹⁸ I.e., between marriage and divorce, which here also measures the length of "partnership" in the *Dvor*. [Tr.]

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Such are the existing modifications. In any case we cannot deviate from the basic right to support. We cannot refuse a peasant woman the right to alimony, the claim to a certain portion of the property comprised in the peasant *Dvor*. Otherwise we should leave these women unprotected. In our endeavours to preserve intact the economic strength of a *Dvor* we should be forcing an unemployed woman on to the streets, we should be penalizing an innocent woman who has been divorced by her husband or forced to leave him through intolerable conditions arising in the *Dvor*.

¹⁵ I.e., between marriage and divorce, which here also measures the length of "partnership" in the *Dvor*. [Tr.]

decides in favour of postponement with a view to a more careful consideration, the question can be settled. It cannot be settled by a casual speech here and now, because, comrades, we must not delay the protection of the weakest—which is the very aim of our project. (*Applause.*)

Extracts from the Debate on Kursky's Concluding Speech.

Comrade Krylenko: "Comrade Ryazanov proposes that in view of a number of remarks—and remarks to the point—the project should be sent round, printed in the various local papers, and then, as was suggested by the comrade from the Volsk district which has not seen the project, examined in all *volost* and town meetings and sessions everywhere."

(*Voice from the floor:* "That's right!")

Comrade Krylenko: "That may be right from the point of view of having everyone informed, but it is quite wrong if existing legislation is taken as norm. Comrade Ryazanov says: Let them discuss it at all the meetings. And what then? How, in what way, are you to summarize all opinions?"

(*Comrade Ryazanov, from the floor:* "At the next session!")

Comrade Krylenko: "I am sorry: but we have a definite, well-established order which can be widened to a maximum for the sake of perfecting the State apparatus; but we cannot go so far as to say now: We shall cancel the project of the Code on Family and Marriage, arrange a referendum, create the machinery necessary for establishing total opinion and go by that. This is not permissible—it is a utopian proposal."

(*Comrade Ryazanov, from the floor:* "No one mentioned a referendum!")

Comrade Krylenko: "If you are to consider all suggestions, you will see that this amounts to a general referendum."

Comrade Kalinin: "It seems to me that the project under examination is one deeply affecting life and morals. It is a rather bold project."

Comrade Brandenburgskiy: "Where does the boldness lie?"

Comrade Kalinin: "I would say that it is generally desirable that every law should be subjected to mass discussion and mass study. Comrade Krylenko is quite wrong in opposing Comrade Ryazanov on this matter."

"If mass discussion both in the press and at meetings is generally desirable, it is all the more so when we introduce legislation of such great significance to our way of life. I must

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"If we are to accept the method of deciding exclusively by majority votes in village meetings, then we must take the leadership of the country from the advance-guard and pass it on to a body of the most backward, long-bearded village elders, in which body Comrade Ryazanov should be included . . ."

[But the "village elders" got their opportunity to make their voice heard; though, as we are soon to learn, they did not as yet have their way. Sentsov's motion was agreed to. So we meet, one year later, once more in the great hall of the Kremlin.]

(6) Third Session of the Central Executive Committee of the R.S.F.S.R., Twelfth Election Period.¹⁷

NOVEMBER 15, 1926.

Report by Comrade Kursky.

Comrades: May I recall that the Second Session of the Twelfth Assembly of the All-Russian Executive Committee has already examined the project of the Code of Laws relating to Marriage, Family and Guardianship, submitted as drafted by the Soviet of People's Commissars, and that, having accepted this project as a basis, the Committee decided to have it circulated *for local discussion at widely-held people's meetings, with a view to ascertaining the attitude of the broad masses to this project of law which vitally concerns the interests of one and all?*

The discussion has assumed unusually large proportions. According to calculations made by the People's Commissariat of Justice, the number of village meetings alone amounted to 6,000, and may in fact have been considerably greater.

In paying attention to the trends of opinion that the examination of our project in the various districts has revealed, I must first of all dwell on those which became apparent at the village meetings. Here a tendency showed itself to preserve, to conserve the patriarchal peasant family; the motive being, of course, an economic one: the desire to preserve an economically more powerful household, and so on.

The letter which Comrade Platon, a member of the All-Russian Executive Committee, recently published in *Izvestiya* was more or less in that tone; in it he declared that the project of the People's Commissariat of Justice which had been circulated for local

¹⁷ Since for this session, as distinct from the preceding, the complete minutes were not available, this compilation is based on the official report of the proceedings in *Izvestiya*. [R. S.]

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family divisions. As you know, the available data show an indisputable decrease in untilled land, even among those who own up to 2 desyatiny of land.¹¹ We thus have no process of economic decline, although, as some comrades rightly pointed out, there is an initial outcrop of non-producing small holdings as a result of the family divisions.

The facts show that we must completely abandon the reactionary Utopian idea of preserving the patriarchal family and preventing the division of peasant families into smaller units. It is impossible to stop processes which have their roots in the life and morals of the broad peasant masses.

As regards the other argument put forward by the advocates of these views, namely that the villages still adhere strongly to Church marriage, we must admit that this may well be the case. We cannot deny that there are in the villages large numbers of people who chose the Church ritual when entering into marriage ; but the available data make it possible to establish another fact which will prove vital in assessing the discussions that took place. We have the following figures of marriages celebrated annually in the R.S.F.S.R., as out of every 10,000 inhabitants ; in 1911-13 there were 81 marriages (this is the number of marriages entered into per year per 10,000 inhabitants and celebrated in church, there being no other form of marriage in those days) ; in 1922 we have 132 registered marriages ; in 1923, 127 ; in 1924, 109 ; in 1925 (during 9 months), 60 marriages, which averaged out gives an approximate annual total of 100.

We can thus note two developments. On the one hand there is a very considerable increase in the number of registered marriages after the end of the imperialist, and particularly after the end of the civil, war (a similar increase in the number of registered marriages can be observed in all countries). On the other hand there is a gradual decrease in the number of marriages, bringing the figure to a norm of more or less 100 for every 10,000 inhabitants.

Reviewing these developments as a whole, we are bound to declare that the registration of marriage has become a custom, that it has become the normal way of formalizing marital relations, and is fully recognized throughout the territory of the R.S.F.S.R.

To speak of the villages as clinging to the Church ritual is therefore wrong. At best we may say that side by side with

¹¹ 1 desyatina equals 2 70 acres. [Tr]

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each case the reasons leading to divorce should be stated ; and if these reasons are found to be insufficient, divorce should not be granted and the guilty party should be brought to court.

(3) Relatives should not bear the material responsibility in cases of alimony ; it should be borne by the parents.

(4) Where a marriage is non-registered, no provision for the children's upkeep should be exacted.

(5) Where a marriage is registered and one of the spouses leaves for valid reasons after having shared in the household for not less than three years, household property should be divided ; but no such division should be permitted in the case of non-registered marriages.

Resolutions of this nature were passed by 60 per cent. of all the meetings throughout the Archangel district. Out of 89 meetings, 50 expressed views favouring legal protection for registered marriages only and the imposition of restrictions on the sharing out of *Drors* and on divorce. The reasons which were given were narrow-minded : that this would lead to debauchery, that with *de facto* marriages the parties will be unprotected. But on the whole there was a very clear desire that the old law should be preserved and that registered marriages alone should be protected. However, as I have already pointed out, 40 per cent. of the village meetings raised the necessity of affording the protection of the law to non-registered marriages also. Very typical is the resolution adopted by a general meeting of the citizens of the village of Piremen, in the *Volost* of Trufangorsk, in the Onega district. It says :

(1) Only registered marriages should be considered as legal marriages with all their consequences, because the peasants have not yet fully abandoned Church marriage.

(2) Divorce must be free.

(3) Only such property must be shared between spouses after divorce as they acquired during their life together.

(4) The spouse able to work should not receive assistance from the other spouse, nor should he or she receive assistance during unemployment.

(5) Relatives, whether direct or by marriage, should not share the responsibility for alimony of a member of the family.

(6) Where, in establishing fatherhood, other cohabitants are cited, the latter should be made to contribute towards the child's upkeep.

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nection with military service. The import of registered marriage here lies in that evidence of marriage must be submitted, as it must, for instance, for the right to become a member of a communal dwelling-house and for a number of other privileges connected with registered marriage. The advocates of this point of view therefore insist that we should formalize marriage through registration, which would bring with it certain definite rights. This attitude was voiced not only at the previous session of the All-Russian Executive Committee, but also during the debates held at Uralsk and Rostov-on-Don. There are also a number of literary works propounding this point of view.

Another point of view expounded at the urban meetings approaches the main thesis of our project regarding the protection of non-registered marriages. The adherents of this school declare that the project does not provide a sufficiently clear definition of the conception of marriage as such and that it is necessary to include in the law such a definition of marriage, to enable the State to protect the rights of spouses and children, and the obligations which ensue from non-registered marriage. The State which takes the marital relations of the citizens under its wing provides marriage with a number of advantages, and thus makes it necessary for the law clearly to define, and in the case of non-registered marriages to enumerate, the criteria by which it would be possible to distinguish between marriage and a casual liaison. The adherents of this school are of the opinion that certain relatives, too, should be answerable to a claim for alimony. Such is the second viewpoint raised at the general meetings.

Lastly, the third attitude to which I must devote special attention is the one which defends the basic thesis of our project—namely, the protection of the legal rights of non-registered marriages.

But what is the basis of the main thesis of our project? I shall in the course of my explanations come to the actual text of the project for the Code of Laws relating to Marriage, Family and Guardianship which was approved by the Soviet of People's Commissars, and which differs from the earlier project in that it sets out with greater precision a number of norms that attracted special attention during the discussions.

The first point to be made clear is that side by side with registered marriages we face a considerable spread of marital relationships unformalized by registration. Some highly revealing statistical data are available in this connection. I may begin

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The main argument raised against us declared that we were affording protection to every casual liaison without defining what we mean by *de facto* marriages.

The project in its present shape is meant firstly to take that argument into account. It clearly defines both what is meant by registration and by "*de facto* marital relations." The idea of registration is defined in articles 1 and 2 of this project.

The registration of marriages is established with the aim of facilitating the protection of personal and property rights and the interests of spouses and children. A marriage is formalized by registration at a public Registrar's Office as laid down in part IV of this Code.

The entry of a marriage at a public Registrar's Office shall be deemed irrefutable evidence of this marriage unless it be disputed in court.

Such is the quite evident significance of registration, and such are the advantages it provides over non registered marriages for which our project envisages protection only in the sphere of property relations. The time will come I am profoundly convinced, when we shall make registered and *de facto* marriages equal in all respects and abolish registration. Registration will then serve only to provide statistical data of these events in so far as it will always be necessary to keep a count of them. This time will come—but for the present, registration, whatever solution of the problem we propose, will always have the advantage of providing an indisputable title to all the rights arising out of marriage, for such protection of *de facto* marriages as is provided by the present Code and was envisaged in the earlier project, is confined to a single point—the protection of property rights arising from *de facto* marriage.

Article 12 of the present project lays down the conditions to which this protection is subject. These are the criteria:

Evidence acceptable in court of a marital relationship where the marriage has not been registered comprises—the fact of living together,

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Discussion on Kursky's Report.

Comrade I. Larin.

I shall speak only on the question of article 12 of the project, about what should be deemed criteria of marriage. This article is prompted by the desire not to entitle a wife to a share in the property where relations were only of a casual nature, and thus to reduce profligacy among women. It is said that the prospect of easy acquisition of property persuades women readily to consent to a liaison. The Soviet of People's Commissars therefore lays down three criteria in article 12: "Evidence acceptable in court of a marital relationship where the marriage has not been registered comprises: The fact of living together, the existence during this association of a common household, awareness by a third party of these marital relations, evidence thereof in personal correspondence and other documents." I shall not go into the statistical, economic and other arguments. All this is relative. If the Komsomols¹⁹ declared at one of the village meetings that there is no need for the registration of marriage, perhaps our Pioneers²⁰ will say that there is no need for marriage at all. (*Laughter*) I shall not base myself on these arguments. It seems to me that this article makes virginity and virtue compulsory for everybody. (*Laughter*) One might say it has in view the members of the family "department of public nutrition"—a servant, a concierge and such may live together with the owner of a flat while the wife does not necessarily do so. I know a militiaman²¹ who has been married for a long while, although his marriage is unregistered, he has two children who run about the streets and bear a strong resemblance to him, this militiaman and his wife consider each other husband and wife, although they do not live in the same flat and run no joint household. But if the wife of this militiaman were to go to court and say: "We recognize each other as husband and wife"—the court, according to article 12, will have to reject this argument. She would add: "Look here, I have two kids!"—and, according to article 12, they will retort.

¹⁹ *Komsomol*—the Young Communist League which organizes young people of both sexes from the second half of their teens up to the twenties.

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month; but it may just happen that this man will be having a month's holiday and the period during which he can protest will elapse)—there you have a formally fixed marriage.

Approval of this article will therefore have four results: (1) a certain category of inhabitants living in *de facto* marriage will be deprived of protection; (2) marriages which do exist will be annulled; (3) an uncompromising implementation of the law will leave many women in a position of dependence; (4) and its implementation will lead to many incongruities in practice. There is therefore no need to squeeze into the law those criteria which would adequately identify marriage. This should be entirely left to the courts. The Soviet of People's Commissars by this law imposes restrictions not only upon women, but also upon the courts, by instructing them not to recognize a marriage where all these criteria do not apply. Article 12 is an exclusive law, both against women and against the courts. It is an expression of distrust in the courts.

Comrade Kapustina (Kostroma District):

The majority of peasants and workers point out that the project sets up a very low marrying age: 16 for a girl and 18 for a boy. This is bound to make itself felt on the young organism, especially on the feminine one. If women become pregnant as early as the age of 17 and in addition have to bear the brunt of work both in the family and in the field, they will—without having time to mature—overstrain themselves and age rapidly. And if the marriage does not come off, they will have lost all means of returning to a normal life and will be doomed to toil and suffer all their life. I therefore suggest that the minimum marrying age should be fixed at 19 for men and 18 for girls. The man's age must be raised because at so early an age he will be unable either to manage a household or to create such relations with his wife as would lead to a normal life.

EVENING MEETING, NOVEMBER 15, 1926.

Comrade Krassikov (of the Supreme Court of the U.S.S.R.):

Our existing legislation on family and marriage relations was created by the methods of bourgeois law. This legislation has not and cannot have anything communist in it, as some comrades are trying to prove. The new law which is being submitted to the

month ; but it may just happen that this man will be having a month's holiday and the period during which he can protest will elapse)—there you have a formally fixed marriage.

Approval of this article will therefore have four results : (1) a certain category of inhabitants living in *de facto* marriage will be deprived of protection ; (2) marriages which do exist will be annulled ; (3) an uncompromising implementation of the law will leave many women in a position of dependence ; (4) and its implementation will lead to many incongruities in practice. There is therefore no need to squeeze into the law those criteria which would adequately identify marriage. This should be entirely left to the courts. The Soviet of People's Commissars by this law imposes restrictions not only upon women, but also upon the courts, by instructing them not to recognize a marriage where all these criteria do not apply. Article 12 is an exclusive law, both against women and against the courts. It is an expression of distrust in the courts.

Comrade Kapustina (Kostroma District) :

The majority of peasants and workers point out that the project sets up a very low marrying age : 16 for a girl and 18 for a boy. This is bound to make itself felt on the young organism, especially on the feminine one. If women become pregnant as early as the age of 17 and in addition have to bear the brunt of work both in the family and in the field, they will—without having time to mature—overstrain themselves and age rapidly. And if the marriage does not come off, they will have lost all means of returning to a normal life and will be doomed to toil and suffer all their life. I therefore suggest that the minimum marrying age should be fixed at 19 for men and 18 for girls. The man's age must be raised because at so early an age he will be unable either to manage a household or to create such relations with his wife as would lead to a normal life.

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Our existing legislation on family and marriage relations was created by the methods of bourgeois law. This legislation has not and cannot have anything communist in it, as some comrades are trying to prove. The new law which is being submitted to the

main point. The principal question is the need for registering marriages.

We could say in our project that we grant our protection not to those who enter upon a marriage, who register it after they find themselves without means—that we grant it not on the ground that a marriage has been entered upon, but because it is the duty of the State to help workers who are in difficulties.

I insist that the registration of marriages is a means of aiding the weaker party. It is much more advantageous for a child if its mother's marriage is a registered, not a *de facto* one; and since the registration of marriages benefits the children, a law should be enacted to protect the children's interests.

We must be quite clear that only registered marriage is marriage. If Nikolai Vasilyevich Krylenko thinks that the equalization of *de facto* and legal marriages is communist law, he is mistaken. Such a law is purely bourgeois. And there is no need, it seems, to dwell on what communist law in fact is. Comrade Lenin has said that we shall still have to make use of bourgeois law for a long time to come.

In his report Comrade Kursky has not proved that marriage registration is redundant. On the contrary, he said a great deal about the fact that registration is necessary and even inevitable. All the opponents of registration are in the end its advocates. I am bound to state that no arguments against registration have been put forward. I suggest therefore that to the new Code of Laws relating to Marriage, Family and Guardianship an article be added, laying down that only the marriage of two people who have undertaken definite duties both towards each other and towards their children, and who have registered their marriage before society, shall be considered as a marriage.

Comrade Kasparova (of the Women's Section of the Central Committee of the All-Union Communist Party (Bolsheviks)):

We are building socialism in our country. Yet, when we face the facts of everyday life, we for some reason allow ourselves to be turned aside; although our task is to go forward towards socialism. The present project is certainly a step forward. And if we alter article 12 of this project, we shall achieve what we had in view, what we are striving for.

We must approach the realities of our life realistically. Our actual economic situation shows that we are not sufficiently strong to give social security to all who need support. We are therefore

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one sided. Everywhere and by everyone the man is blamed. And yet very often it is the woman's fault that the family disintegrates. I know of cases where the wife abandoned her husband and children to take up with another man.

I must say in general that women have done some unpleasant things. A woman, for instance, would come to the Women's Department, would tell tales about her husband, would slander him—and then a commission was set up to go and inspect matters, putting the man to shame.

Our project also contains an article dealing with changes of address. This article says that if the husband or the wife change their address, the other spouse is not obliged to follow suit. I think that this article should be completely eliminated. If the one spouse does not follow the other, they are going to have the dickens of a life at home. They are, in fact, no longer husband and wife.

The most dangerous article in the project is No. 29. This states that a pregnant woman who does not live in registered marriage is entitled to declare the name of the child's father at the Registrar's and ask for it to be recorded. I think comrades, that with no more than a big belly for evidence we shall not get very far.

Comrade Vasilyeva (Moscow)

I do not want to defend women, nor do I want to speak for the men. I merely want to state a fair point of view. I am bound to say that cases do occur—not many, to be sure—in which women make use of the law to exploit their position.

Here is one case, from life in the towns.

A citizen lived with his wife and had two children before the civil war. During the civil war he was called up, fought and lost one leg. When he came back to his wife as a cripple, she of course no longer liked him and demanded a divorce. They were divorced and although he had only a pension of 20 rubles, the man took both children. And now, eight years later this divorced wife brings a suit against her husband, demanding that he should pay alimony to her for a third child, a daughter who may or may not be his. The case was heard at the Zamokvaretskiy¹¹ Court. And guess what! The court decided that the invalid with two children and a pension of 20 rubles should pay 5 rubles a month towards the upkeep of this daughter. Is

¹¹ A district of Moscow.

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Article 9 says that if one of the spouses changes his address, the other is not bound to follow. But, one may ask, for how long is such a change of address to last? If a married person changes his address for a month, that is one thing. If he does so for three years or longer, that is quite another. It is necessary to state clearly the period for which one spouse need not follow the other.

With regard to article 12 I would say that Comrade Larin and Comrade Kasparova are quite right. either you will have to eliminate this article completely or fix a period of cohabitation.

As for article 19, which says that a marriage can be dissolved while the spouses are still alive, either at the mutual desire of the spouses or on the unilateral wish of one of them, I must say that this is hardly the way to solve the problem. I agree that a marriage should be annulled if both parties ask for it. But if the demand comes from only one of them, the motives of this wish to break up the marriage should be approved in court. Furthermore, this article should specify a definite period that must elapse before a divorce can be demanded and lay down how often a person may be divorced.

I shall now pass on to article 30. This rules that if a person against whom a paternity suit has been entered with the Registrar does not protest within one month, he shall be regarded as the father. But what happens comrades, if I am in the Far East and unable to send in my protest? What will happen then? The result will be that they will go and marry me off without my knowledge and with a baby on top of it all. I feel comrades that one month is too little and that this period should be extended.

Article 35 of our project says that if the father be unknown the child is to bear the mother's surname. But supposing the mother does not agree to this? There should be an amendment to this article, adding the words 'with the mother's consent'.

In general and as a whole the project of the People's Commissariat of Justice and of the Soviet of People's Commissars should be accepted and the necessary amendments made.

Comrade Rasyakova (Vyatka District)

I do not understand why in this project *de facto* marriages only are put on a par with registered ones, and not casual marriages also. The law makes no mention of the casual marriage. I feel that an amendment putting casual marriages on a par with registered ones should be introduced into the Code. There were some men who said that when husband and wife separate, the

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Comrade Soltz mentioned our struggle to abolish Muslim polygamy, and yet we find, even among communists, people with four wives. But apart from that, dear ladies, we shall have to set ourselves a rigid and well-defined limit, so that no ill words are spoken of us from this platform. If our men are not to think us cheap, let us show them what we are worth. I forget the name of the comrade who spoke of people getting registered fifteen times. This must be rectified—the law should lay down how many times the same person may register a marriage, whether just once, or twice, or three times. This must be established in law.

Last night I was unable to sleep, trying to think of what to say and how to contradict Comrade Ryazanov. But I lack the strength. Speaking from this platform he reaped a great deal of applause, and this is what he said. Our communism is not worth a kopek.

For him life was made easy, and now nothing will satisfy him. But to us women who have been oppressed throughout the ages, the Communist Party has thrown out a rope which we are clutching with both hands, the Communist Party has freed us from oppression.

A voice from the floor: Did Comrade Ryazanov say that?

Comrade Gnypora: He did! If Comrade Ryazanov intends to abolish *de facto* marriages, why has he not, in the sixty years of his life, arranged matters in such a fashion that we beget children only after registration, for now we beget them before registration, some before and some after. Why did not Comrade Ryazanov alter this?

Comrade Ryazanov (from the floor): One can't keep everyone in line!

Comrade Gnypora: I think that even if Comrade Ryazanov had five heads he could not alter things, nor can anyone else. We must recognize the *de facto* marriage. Who are the women bearing children? A widow, a young girl, a daily woman. But we refuse to recognize *de facto* marriage. We do wrong, comrades!

We must pay the most serious attention to our young generation!

Comrade Blinov (Tarbov District):

I should like to approach the new law from the peasant point of view. Article 5 sets the marrying age for girls at 16. Let me tell you of one case, the case of a girl who married at the age of 16. She lived with her husband for one year and had a child before

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Comrade Khlamov (Tambov District)

I have paid some attention to article 22 of the new code. This says that married parties may come to an agreement by which after divorce they decide how much each of them is to contribute to the upkeep of the children. And immediately below, in article 24, the point is made that if one of them defaults, the other is entitled to sue him.

In fact, the court arrives at its decision, and issues an order. And the poor woman wears herself out with this order. She begins a weary life of litigation. It must be made impossible for people liable to alimony to refuse payment. The law must include a strong article to this effect.

Comrade Vinokurov (of the Supreme Court of the U.S.S.R.)

May I draw the attention of the meeting to the speech of one of the comrades—a peasant from the Donetsk District? This comrade asserted that we should not protect *de facto* marriages. I feel I should make clear the utter mistakenness of such an approach to the problem. With such points of view we shall never succeed in establishing socialism. In order to set up socialism, we must give women their freedom. The opinion expressed by this comrade does not in any way reflect our ideology. It expresses the ideology of classes alien to us, classes which favour the enslavement of women.

Comrade Kursky stated in his report that in the Archangel district 40 per cent. of those who discussed the project favoured the recognition of *de facto* marriages. This shows that they have been moving forward down there, that there is a progressive trend of opinion. In the towns, as you have been told, an overwhelming majority voted for keeping registration optional. We must take note of these progressive trends and mould our laws accordingly. Our task is to march ahead, not to trail at the tail end. Those who advocate the old ideology—compulsory registration, etc.—are trailing behind at the rear and not marching in the van.

Comrade Krasikov brought forward some arguments in defence of compulsory registration. He and other comrades say that if registration is abolished, it will be impossible to prevent marriages at an early age or between persons of bad health. But this argument does not bear criticism. As though with the introduction of registration we shall have only normal marriages!

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Comrade Preobrazhensky (Moscow)

Marriages differ. There is already one sort of marriage which heralds the marriages of the future. People concluding such a marriage do not consider registration necessary because they know that neither of the parties will harm the other. There are few such people. The second sort of marriage comes about when registration is preferred. But what is this registration? It is primarily a safeguard for the women. But what kind of safeguard does it afford them? Registration facilitates the claim to support. That is all. As compared with non registered marriage, registration offers no novel advantages.

Why, in comparing it to *de facto* marriages, should we favour registration? This project makes a certain concession in that it supports registration. But what do we gain from registration and where will it lead us?

That is a question we must examine in the light of our basic aims. I agree that our aim is to combat the lightheaded view of marriage. But what is at the root of this lightheaded attitude?

The economic and social conditions of our life, taken as a whole, force us to make that concession, but at the same time we make no allowance for the women who live in non registered marriage.

We have discussed here the difficult situation in which our Code places the peasant farms in connection with the sharing out of property. We know, comrades, that before the war there was already a great deal of such division of property. Was it connected with marriage? Certainly not. Do we now, after the war, notice an increase in the frequency of such cases of sharing out? We certainly do. We know it well and take all its consequences into account. But can we connect this phenomenon with our marriage legislation? In no wise for property is being shared out in the villages because the young people there have made a great step forward culturally. The young are beginning to look at life with different eyes. They are wanting to build their own lives, and for that they require their independent portion.

But, comrades, even if matters stand so that the villages demand a concession from the law, we can still not have two different legislations—one for the towns and one for the rural areas. Once we have decided, in the words of Lenin, to march in the van, can we lag behind with the backward ranks? Once we have, in the towns, taken a firm stand for the Code we

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this point and bring in a motion before this meeting proposing that the Soviet of People's Commissars be entrusted with the drafting of several articles in this direction, to be submitted to the next session of the All-Russian Executive Committee for its approval. (*Applause.*)

Comrade Volkova (Iranovo-Voznesensk District):

The majority of our rural population wish to preserve a system described as *domostroy*,¹⁴ according to many of the speakers here. I declare, comrades, that this is not true. But it is true that the villages do not wish to attract to the rural areas the marriage instability that exists in the towns. Who is responsible for the neglected children (*Bezprisornye*)? The villages? The towns, begging your pardon. What will happen if 85 per cent. of the population of our country, formed by the peasantry, did as the towns do? We should flounder in disintegration. Marriage registration exerts a useful check in this respect.

Furthermore, how are we to understand article 19, which says that while both spouses are alive, their marriage can be annulled either upon mutual consent or at the unilateral desire of one of them? This means that they simply decide to separate—and do so! No, I think marriages should be annulled in court only.

Comrade Panarina (Voronezh District):

It sometimes takes a year and a half before a peasant woman manages to obtain the alimony awarded to her. The peasants at all their meetings clamour for a reform in the cruel exaction of alimony.

I should like to say something about the sharing out of peasant *Dvors*. Although it is quite rightly said that the farms should not be ruined, but should, on the contrary, be fostered, we must think of safeguarding the children. We cannot wait until an extra lamb or an extra piglet is born on the defendant's farm. Even his cow should be sold and the proceeds devoted to the child's upkeep. I think parents who abandon their children should be forced to work. Then the number of children running wild would not go on increasing.

Finally I think the marrying age should be raised, because a woman who marries at 16 will not last half her normal lifetime.

¹⁴ *Domostroy*, a sixteenth-century textbook on the desirable organization of the household; in its application to family problems, of course, a symbol of reactionary patriarchalism. [R. S.]

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Comrade Kiselev *De facto* marriages may also receive the protection of the law, but registered marriage should be the chief consideration. Otherwise it will look as though there were no difference between a registered marriage and a Church wedding. We are here retreating from our positions.

Comrade Gimranov (Tartar Republic)

The whole of the first article of the project has, I think, a purely technical significance. 'The registration of marriages is established with the aim of facilitating the protection of personal and property rights and the interests of spouses and children.' As though we had reached so high a level of cultural and political development that only a couple of kilometres now separate us from the attainment of communism and that the State thinks it apposite to establish registration as an improvement in the technique of levying alimony. I consider this the wrong approach, for it offers no protection to the economically weaker members of our society. The problem of marriage cannot possibly be separated from the problem of the family. The family is the small cell of our Soviet society, containing the socialist spirit, the element of socialist construction. The problem of the family is far from being an individual problem. State organs must play their part not only when the family is already existing but also when this family is in the process of being formed.

By article 12 we give full recognition to *de facto* marriages. It has been said here that to advocate compulsory registration is to reproduce the views of bourgeois thinkers. I think it is not the form that matters but the content. During the period of transition we do not reject the forms where we need and can utilize them. But we fill them with quite a new proletarian significance which safeguards the future of socialism.

Comrades, I see no reason for abandoning registration. If a man and a woman live together, have a joint household and make no secret of their marital relations before a third party, why should they refuse to register? There you have the utter indecision of the law—which ought to be firm, precise and clear and binding on every one of those who inhabit the territory of our State, irrespective of whether or not they be loyal citizens.

Closing Speech by Comrade D. I. Karily

Comrades, the debate on the report of the Code of Laws relating to Marriage, Family and Guardianship has faithfully

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occurred in marriages which had lasted not more than one year. Only in 13 per cent of cases were marriages of greater duration concerned.

Comrade Ryazarov (from the floor) You see—the older people have settled down!

Comrade Kursky Some people have accused our project of protecting mainly the second wife and neglecting the first wife with whom the husband may have lived for many years. I may say that our law provides complete protection for the children. There is no discrimination against the first wife in the matter of alimony. I feel, comrades, that the women should not look at the matter from this "harem" point of view. The position of the first wife is covered by article 15 which says:

"The right of the spouse in need and unable to work to be supported by the other spouse continues after the annulment of marriage until the conditions laid down in article 14 under which support is granted no longer apply, but for a period not exceeding one year from the annulment of marriage. The amount of support payable to the unemployed spouse after the annulment of marriage is determined in court for a period not exceeding six months and may not exceed the sum payable in each case under the Social Insurance Scheme."

This is done in the interests of that new family which comes to take the place of the old one. Very wrong is the attitude of those comrades who ask for a restriction of divorce. The absolute right to divorce is one of the achievements of the October Revolution, and in this respect women cannot make any concessions.

As to the question of alimony in the towns and in the villages, I shall confine myself to replying to the suggestion that alimony suits are more numerous in the towns than on the land. There is quite a number of them in the villages, too—in many regions one-third of all the cases heard in the People's Courts are concerned with alimony and other aspects of family life. The partly landed character of rural economy constitutes the main impediment to any solution of the alimony problem in the villages, simple though it be where the workers are concerned. It has been suggested here that alimony should be "nationalized." The proposal was to levy it for the State treasury so that the State could then rear the children in children's homes. This would be a most inexpedient solution. During the present years of transition this problem must be solved on the basis of existing conditions. And it is solved suitably by article 57. It is this very

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I am sure that when the project is examined in the Commission we shall take all considerations into account, particularly the valuable point made by Comrade Byeloborodov that contemporary marriage relations are strongly affected by the purely numerical proportion between the sexes. We shall not only succeed in bringing our Code into line with the dominant plan of bringing conditions nearer to those that will exist in a communist society, but at the same time take fully into account the peripheral phenomena which demand the protection of the law. I think Comrade Terechova was right when she said that 75 per cent. of members of this session will vote for the project.

Comrade Ryazanov (from the floor). Wait for the count!

Comrade Kurily. I propose that a vote be taken on the project. (Applause.)

[The ayes had it. And now we will see what it was they have enacted, in the definite shape given to the Code in the Commission.]

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Chapter 2

Conditions Governing the Registration of Marriages

4.^a The following conditions are required for the registration of a marriage : (a) there must be mutual consent to register the marriage ; (b) both parties must be of marriageable age ; and (c) the documents set forth in Section 132 of the present code must be produced.

5.^a The marriageable age is fixed at eighteen years.

Note.—The Presidium of the Central Executive Committees of the Autonomous Republics, the Presidium of the Executive Committees of the Autonomous Regions, Regional Executive Committees and also those of Town and District Soviets in towns may, in exceptional cases, and acting upon individual petitions, lower the marriageable age fixed for women in the present section, but not by more than one year (April 6, 1928, *Collected Laws and Decrees of the R.S.F.S.R.*, 1928, No. 47, Sec. 355, and February 28, 1930, *Collected Laws and Decrees of the R.S.F.S.R.*, 1930, No. 12, Sec. 146).

6.^a It is unlawful to register the following marriages : (a) between persons one or both of whom is or are already married either with or without registration , (b) between persons one or both of whom has or have been adjudged weak-minded or insane, in the manner prescribed by law , (c) between relatives in the direct line of descent , also between brothers and sisters, whether of the full blood or the half blood

Chapter 3

Rights and Duties of Husband and Wife

7. On registering a marriage the contracting parties may declare it to be their wish to have a common surname, either that of the husband or of the wife, or to retain their antenuptial surnames.

8. On the registration of a marriage between a person who is a citizen of the R.S.F.S.R. and a person who is a foreign citizen, each party retains his or her respective citizenship. Change in citizenship of such persons may be effected in the simplified

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conjugal partner, if the court finds that the latter is able to support the former. A husband or wife in need of support but able to work is likewise entitled to alimony during the period of his or her unemployment.

15. ¹ ² ³ The right of a husband or wife in need and unable to work to receive alimony from the other conjugal partner continues even after the dissolution of the marriage until there has been a change in the conditions which according to Section 14 of the present code serve as a basis for the receipt of alimony, but not for a period exceeding one year from the time of the dissolution of the marriage. The amount of alimony to be paid to a needy unemployed husband or wife in case of dissolution of the marriage is fixed by the court for a period not exceeding six months and shall not exceed the corresponding amount of Social Insurance relief.

16. The right to receive alimony both during marriage and after its dissolution extends also to persons who are married *de facto*, though not registered, provided they fall within the purview of Sections 11 and 12 of the present code.

Chapter 4

Dissolution of Marriage

17. A marriage is dissolved by the death of one of the parties to it or by a declaration of the presumptive death of either the husband or the wife through a notary public or court (May 27, 1929, *Collected Laws and Decrees of the R.S.F.S.R.*, 1929 No. 40, Sec. 422).

18. During the lifetime of both parties to a marriage the marriage may be dissolved either by the mutual consent of both parties to it or upon the *ex parte* application of either of them.

19. During the lifetime of both parties, the dissolution of a marriage (divorce) may be registered at the Civil Registrar's Office, whether the marriage was registered or unregistered, provided that in the latter case it had been established as a fact by the court in accordance with Section 12 of the present code.

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MUTUAL RELATIONS BETWEEN PARENT AND CHILD AND
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Chapter I

General Principles

25 The mutual rights of children and parents are based on consanguinity. Children whose parents are not married possess the same rights as children born in wedlock.

26 The father and mother of a child are recorded in the register of births.

27 If no record is made of the parents or if the record made is incorrect or incomplete the parties interested are entitled to prove or disprove paternity or maternity by recourse to the court.

28 ¹⁰ In order to protect the interests of the child the mother is granted the right during the period of her pregnancy or after the birth of the child to file a declaration of paternity with the local Civil Registrar's Office according to her place of residence, stating the name patronymic surname and residence of the father of the child.

29 The Civil Registrar's Office informs the person alleged in the declaration to be the father of the filing of such declaration. If the putative father within a month after receiving this notification does not raise any objection he is recorded as the father of the child. The person alleged to be the father may within one year after the date of the receipt of the notification institute a suit against the mother of the child contesting the truthfulness of her statement.

30 ¹¹ The mother of the child has also the right to institute a paternity suit in court after the birth of the child.

31 If the court is satisfied that the person stated in the declaration (Sections 28 and 30 of the present code) is the father of the child it enters a finding to that effect and imposes on the father the duty of contributing to the expenses connected with the pregnancy lying in childbirth and maintenance of the child also to the expenses of the mother during the period of her pregnancy and for six months after childbirth.

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37 Agreement between the parents that their children adhere to any particular religion is of no legal effect

38 All steps in regard to children are taken by both parents jointly

39 In cases where a difference of opinion arises between the parents, the point in dispute is decided by the Office of Guardians and Trustees, with the participation of the parents

40 If the parents live separately, they may agree on the question of the residence of their minor children, in the absence of such an agreement between the parents, this question is settled in the ordinary way by a suit in a People's Court

41. On the parents rests the duty of taking care of their minor children, in particular of bringing them up and preparing them for socially useful activity

42 ¹⁶ Parents are obliged to provide maintenance for their minor children, as well as for needy and incapacitated children.

42 (1) The duty of providing for minor children and for those who are needy and incapacitated also extends to the stepfather and stepmother (a) in case the parents of these children are dead, (b) in case the parents do not possess sufficient means to provide for the children

These duties are imposed on the stepfather or stepmother provided the child was dependent upon or was brought up by either one of them prior to the death of the father or of the mother, or prior to the happening of the contingency set forth in Clause (b) of the present section

Stepsons and stepdaughters are obliged to provide for a needy and incapacitated stepfather or stepmother in cases where they had been dependent upon the latter for not less than ten years (Nov. 29, 1928, *Collected Laws and Decrees of the R.S.F.S.R.*, 1928, No. 22, Sec. 233)

42 (2) Whoever has come into any inheritance from a person who had been supporting children, or from a person who was legally obliged to support them, must support the minor children, or those who are needy and incapacitated, to the extent of the value of the property inherited

In the case where the inheritance was shared by several

* See Secs. 9 and 10 of the regulations governing U.S.S.R. citizenship (*U.S.S.R. Statute*, 1930, No. 34, Sec. 867)

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46. In the event of non-fulfilment of their duties on the part of the parents or in case they do not properly exercise their rights with respect to their children, or if they treat their children cruelly, the court issues a decree to the effect that the children be taken away from the parents and handed over to the care of the Office of Guardians and Trustees, and the court is authorized to decree at the same time that both parents contribute to the support of their children.

Note.—The Office of Guardians has the right pending the decision of the court to issue orders to take the children away from their parents or from other persons in whose custody they are, if the continuance of their stay with these persons constitutes a menace to the children.

47. In the event of the court issuing a decree depriving parents of their parental rights, the Office of Guardians and Trustees must allow parents to see their children except in cases where such meetings may prove injurious to the children.

48. The duty to support children rests upon both parents, the extent of their contributions towards their support depends upon their respective means.

49. Children must support their needy incapacitated parents.

50. When parents are unwilling to support their children, or children their parents, in the cases provided for in Sections 42 and 49 of the present code, the persons entitled to support may sue for such support in court.

Note.—In case of any change in the material position of the parents or children, the court decree may be modified by instituting a lawsuit in the usual way.

51. The deprivation of parental rights does not relieve parents of the duty to support their children.

52. Persons who are jointly liable to contribute support are liable in equal shares, except where the court in view of the unequal means of the persons liable to contribute or in view of the absence of one of them, or for some other cogent reason, finds it necessary to fix other ratios for the discharge of this duty.

53. The rights of parents and children with regard to the property of a peasant household (*Dvor*) are determined by the pertinent sections of the Land Code.¹¹

54. Needy brothers and sisters, if minors, are entitled to obtain support from their brothers and sisters who possess sufficient means if the former brothers and sisters are unable

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58 Persons deprived of the right to act as guardians in accordance with Section 77 of the present code have no right to adopt

59 Adoption is effected by order of the Office of Guardians and Trustees and must be registered in the usual manner in the Civil Registrar's Office

Note—The adoption of children of Soviet citizens by foreign citizens (subjects) residing on U.S.S.R. territory is allowed provided the rules laid down in the present chapter are observed and provided further that special permission be obtained in each individual case from the Presidium of the Executive Committee of the respective Gubernia, Okrug, or other respective administrative area (Sept. 3, 1928, *Statutes of the R.S.F.S.R.* No. 117 Sec. 735*)

60 At the time of adoption the adopted child may be given the surname of the adopter, and with the consent of the adopted child, also the adopter's patronymic

61 If the parents of the adopted child are living or if it is under the care of a guardian or trustee, adoption can take place only with the consent of the parents, if they have not been deprived of their parental rights, or of the respective guardians or trustees

62 Where the adopter is married, adoption can only take place with the consent of the other conjugal partner

63 No children above the age of 10 may be adopted without their own consent

64 Adopted children and their offspring have the same personal and property rights and duties with regard to their parents by adoption and the latter with regard to their children by adoption and their offspring as have the corresponding relatives by consanguinity

65 Adoption effected in the absence of, or without the consent of, the parents of the adopted child, may be annulled by the Office of Guardians and Trustees at the request of the parents, if the child's return to them is in the interests of the child. In order to annul the adoption of a minor over 10 years of age his own consent is required

66 Any person or institution may institute a suit in court for the annulment of an adoption if such annulment is necessary in the interests of the child

67 Where an adoption is annulled the court enters a decree

* See Sec. 11 of the regulations governing U.S.S.R. citizenship (*U.S.S.R. Statute* 1930, No. 34 Sec. 56)

58. Persons deprived of the right to act as guardians in accordance with Section 77 of the present code have no right to adopt.

59. Adoption is effected by order of the Office of Guardians and Trustees and must be registered in the usual manner in the Civil Registrar's Office.

Note.—The adoption of children of Soviet citizens by foreign citizens (subjects) residing on U.S.S.R. territory is allowed provided the rules laid down in the present chapter are observed and provided further that special permission be obtained in each individual case from the Presidium of the Executive Committee of the respective Gubernia, Okrug, or other respective administrative area (Sept. 3, 1928, *Statutes of the R.S.F.S.R.*, No. 117, Sec. 735 *).

60. At the time of adoption, the adopted child may be given the surname of the adopter, and with the consent of the adopted child, also the adopter's patronymic.

61. If the parents of the adopted child are living, or if it is under the care of a guardian or trustee, adoption can take place only with the consent of the parents, if they have not been deprived of their parental rights; or of the respective guardians or trustees.

62. Where the adopter is married, adoption can only take place with the consent of the other conjugal partner.

63. No children above the age of 10 may be adopted without their own consent.

64. Adopted children and their offspring have the same personal and property rights and duties with regard to their parents by adoption, and the latter with regard to their children by adoption and their offspring, as have the corresponding relatives by consanguinity.

65. Adoption effected in the absence of, or without the consent of, the parents of the adopted child, may be annulled by the Office of Guardians and Trustees at the request of the parents, if the child's return to them is in the interests of the child. In order to annul the adoption of a minor over 10 years of age his own consent is required.

66. Any person or institution may institute a suit in court for the annulment of an adoption if such annulment is necessary in the interests of the child.

67. Where an adoption is annulled the court enters a decree

* See Sec. 11 of the regulations governing U.S.S.R. citizenship (*U.S.S.R. Statute*, 1930, No. 34, Sec. 367).

¹ *To arts 14 and 15*

When arts 14 and 15 are held to apply, the court must establish whether the unemployed spouse has applied to the labour exchanges for work, and award maintenance grants against the defendant only after evidence received from the labour exchange to the effect that the plaintiff was not offered employment.

² An evident mistake of the reprinted translation has been corrected [R. S.]

³ *To art 15.*

If a woman's inability to work has been caused through some action on the part of her former husband during their married life (induced abortion, bodily injury, etc.), any decision to make the defendant responsible for financial aid to the plaintiff must be based not upon art 14 of the Code of Laws on Marriage, Family and Guardianship, but on art. 403 and other articles of the Civil Code.

⁴ *To art. 22*

(1) It is incumbent on the Public Registrar's Offices to watch with particular care over the dissolution of marriages by explaining to the divorcing parties before the registration that liability for the upkeep of the children rests on both parents and that divorce does not relieve them of this responsibility.

(2) The Registrar must establish, when divorce is registered

- (a) which of the children will stay with the mother and which with the father,
- (b) which of the parents will bear the cost of the children's upkeep,
- (c) the amount of money paid by one parent to the other for this upkeep,
- (d) the rate of payment (monthly, fortnightly, etc.)

⁵ *To art 24*

(a) In hearing divorce cases the judge should concentrate on the child's interest to determine where the child would be most assured of a normal upbringing. But in deciding this question there is no necessity for the judge to transform the court hearing into a petty enquiry into the details of the intimate relations between the spouses and an evaluation of their "moral behaviour", etc., as is still frequently done in the courts. (But see pp. 314, 382 and 383 of this compilation [R. S.])

The Supreme Court once again stresses directives issued previously in connection with similar mistakes in the courts.

"In the decisions of our courts, as organs with the function of fostering among the masses a revolutionary outlook, the principles of a new life and a comradely attitude towards women there should be no room for expressions showing the court to be, not in the van, but trailing at the rear with the outlook of the philistinism inherited from the old regime."

⁶ *To art 28*

To inform the Public Registrar of a child's paternity during pregnancy is the mother's right—not her duty. In not availing herself of this right, she does not forfeit the right of bringing a paternity suit after her confinement.

⁷ *To art 30*

(a) Where a paternity suit is contested, the court may on the strength of the evidence establish as father a person whose paternity is denied by the child's mother, and may raise the question of appointing a guardian if the mother refuses to accept maintenance grants from this person.

(b) If on arriving at a private agreement the litigants decide to withdraw the paternity suit, the court must investigate the nature of the agreement reached and refuse to close the case if the conditions of the agreement are prejudicial to the plaintiff or the child.

(c) Concerns the prematureness of introducing blood tests as a means of proving or disproving paternity.

(d) Concerns the inadmissibility of medical opinions as evidence in paternity suits.

⁸ *To art. 32:*

In the event that it is established that the plaintiff has been intimate with persons other than the defendant, the court cannot reject the suit, but must call these persons as additional defendants and establish the actual father of the child.

⁹ *To art. 33.*

(a) Loss of parental rights can be inflicted only where abuse of these rights has been proved. It can be inflicted irrespective of the steps taken by the (Criminal) Court for social protection.

(b) Failure to pay alimony is adequate reason for bringing a suit demanding loss of parental rights.

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DOCUMENT No. 8

FROM A. M. SABSOVICH'S PAMPHLET: *THE
U.S.S.R. AFTER ANOTHER 15 YEARS.*¹

In order to create a socialist society, the existence of the material and social premises (in the form of an extremely high level of development of production, the abolition of classes and the socialization of all the tools and means of production) is not enough. What is also needed is a cultural revolution: man must be completely re-made, for which purpose the conditions of living and forms of human existence must be radically changed.

The conditions of living must above all be changed by the elimination of the individual household, of that "family hearth" which is and has always been the origin of women's slavery.

Calculations of the number of workers that will be required in the different branches of social labour in 1942-3 lead to the conclusion that even if there is a steep rise in labour output, a shortage of man-power in fifteen years' time can be averted only if all able-bodied men and women between the ages of 21 and 49 are employed by the community on its essential services. Consequently the complete liberation of women from household slavery and the elimination of the individual household is not only a task whose achievement would be desirable within the general plan; but a task whose satisfactory solution is an unavoidable

¹ The pamphlet from which the reproduced passage is taken was published in 1929, on the basis of a lecture on "the general plan" of long-term development delivered by its author after the enactment of the First Five Year Plan. A. M. Sabsovich is regarded by present-day Soviet writers as a main representative of the "leftist" deviation on the family problem, together with A. M. Kollontay and others, and is dealt with in rather less friendly terms than Kollontay, for reasons that seem connected with his lack of preparedness to subordinate his personal views to the general policy of the Party rather than with any specific aspects of those views, at least in the field with which we are concerned. While A. M. Kollontay, as we have seen above (doc. 4 (b)), tried to make the best of the hardships of the War Communist period and saw the growth of the new and freer relations between the sexes where actually there was no more than War emergency, Sabsovich placed his utopia in the future and foresaw the complete withering away of the private household and of the family from an expected increase in national prosperity. He shared her basic evaluation, that is, he expected that the nation, even when it had passed the emergencies in which the employment of all available woman-power was a matter of life and death and could choose between real alternatives, would continue to absorb all the energies of the female sex in social production and devote the material riches thus forthcoming to the creation of the material conditions for the abolition of the family. Extremist views on sexual relations (as distinct from the institution of the family) are lacking in Sabsovich, perhaps only in consequence of his different personal position in comparison with a woman writer with a literary vocation. [R 5]

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their time and strength and thereby deprived of a chance of taking on a job or some social work. We have already begun a struggle against this evil by organizing crèches, kindergartens, and playgrounds, by increasing the number of schools, and so on. But we are still poor and are merely taking our first steps in this direction. In fifteen years' time, even if we do not succeed in socializing education completely, i.e., in bringing up the children from their earliest days in special State establishments and at the government's expense, children's homes, crèches, kindergartens, etc., and some considerable degree of socialization of education will in any case have been organized on so wide a scale that all women will in the daytime be free from immediate worries about their children and will leave their physical and mental education to the State, which will be in a position to organize this business much more rationally and usefully both for the children and in the interests of the entire community.

Lastly, a vast network of public institutions for use in hours of leisure from essential community work—"palaces of science", libraries, reading-rooms, rooms for private study, etc.)—and for recreation from work or study (clubs, physical training halls and grounds, gardens, and specially arranged terraces for resting in the open air, etc.)—all this will dispense with any need or reason for the separate life of separate families in isolated flats and little houses designed with an eye on the "family hearth".

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in Berlin resulted in 13 deaths per 1,000 births in 1922, 14 in 1923 and 11 in 1924. It will be interesting to compare these figures with those registered in Leningrad. The number of deaths in Leningrad resulting from the same cause was as follows: 39 in 1922, 35 in 1923, 27 in 1924 and 24 in 1925. Thus the aim pursued by the Soviet law on abortions, which was the protection of the woman's health, has been fully achieved.

It should be pointed out that, despite the growth of abortions, their number in the U.S.S.R. is less than in other countries. In 1929 there were 82 abortions per 1,000 inhabitants in the U.S.S.R., whereas in Germany (where abortions are prohibited, and there are consequently numerous illegal and unregistered abortions) there were twice as many (154).

What categories of women profited most from the legalization of abortions? Statistics for Moscow and Leningrad (as well as other cities) show the principal causes of abortion to be housing shortage, poverty, illness and large families. In other words legalization benefited the most needy women.

The Fight against Abortions

Although legalizing abortions in the interest of women, the People's Commissariat of Health at the same time carries on a determined fight against the spread of abortion, as an operation adversely affecting health.

The fight is carried out in three directions:

(1) Propaganda of birth-control measures under the direction and control of the women's consultation bureaux.

(2) The development of the network of maternity and infancy protection institutions (crèches, mother and-child homes, etc.) which come to the aid of women, providing proper care and food for the child and thereby eliminating in many cases the need for an abortion. With the same object in view, the health authorities have organized special committees of doctors and representatives of women's organizations which consider the different applications for abortion, and often render assistance for the purpose of preventing the abortion, as well as fixing the order in which the women are to be admitted to the hospitals for free operations (there are also hospitals where abortions are performed on women who can afford to pay for them).

(3) The third method of combating abortions consists of general sanitary education. A large number of pamphlets and leaflets are distributed, explaining how dangerous abortion is to

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It should be pointed out that, despite the growth of abortions, their number in the U.S.S.R. is less than in other countries. In 1929 there were 8.2 abortions per 1,000 inhabitants in the U.S.S.R., whereas in Germany (where abortions are prohibited, and there are consequently numerous illegal and unregistered abortions) there were twice as many (15.4).

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cases of miscarriage, probably due to secret abortion,² who entered a clinic to have the abortion completed

Year	Number of Births	Total Abortions	Of which :			Percentage to Births of :	
			Artificial		Incomplete	All Abortions	Artificial Abortions
			number	percentage	number		
1922	35 320	7 969	4,245	53.27	3 724	22.36	12
1923	48,852	9 062	3 829	42.14	5,233	19.16	8 65
1924	51,980	10,183	5 782	56.78	4,401	19.56	11 12
1925	57,537	18,071	15,261	84.45	2 810	31.41	26.54
1926	Not available	31,986	25,259	80	6,393	—	—

. . . It is important to notice that, in relation to the increasing total number of abortions, the number of incomplete abortions, amongst which many secret and criminal³ abortions are included,

Soviet legislation are illustrated by a comparison between Yefimov, prepared to sacrifice "humanitarian considerations to the public weal when the latter so demanded, and Selinsky, who at least temporarily came near to the recognition of "a woman's rights over her own body" (see above, Introduction, p. 14). But these differences were not likely to be realized to a very strong degree by people who, though defending the policy of a powerful State were bound to follow a majority. In a congress of a learned profession a mere ten years after the Revolution held in the rather lower-middle-class town of Kaeu. Quite apart from such characteristics of the milieu the professional attitude of those who took part in the Congress forced on them all the counter-arguments whilst it was bound to let all the arguments in favour of the official policy appear as somnolent, that is outside interference with their professional duties. Remove from the ground of the ideological battle described in this document the general social setting in which opposition to the original Soviet legislation on abortion was bound to seem a veiled opposition to the Soviet system in general remove unemployment suppose that the Soviet achieved some positive success in improving the conditions of childbearing mothers, and even without any change in fundamental attitudes you get the setting described below in docs. 13 or even 17. For most of Dr. Gaymer's patients (see below p. 184) it would not have been difficult to support the legislation of 1936 though some of their arguments were still repeated in those days (see below p. 235).

Phrases in brackets are my own, being used to summarize a longer argument put forward by the speaker concerned—in most cases one of a technical character [R. 5.]

² The general assumption, which underlies all the statistics put forward at the Congress (by doctors who in any case might be supposed to know the conditions of their own work) is that a woman who enters a clinic with symptoms of miscarriage, such as haemorrhage has intentionally started abortion either with the intention of thus compelling her admission to the clinic without the rather complicated procedure by which the alleged need for the operation was checked with the shortage of beds (see below, Dr. Lenderkaya's paper) or through a quack with results that compelled her to resort to a clinic. According to Soviet law, only a quack (or a doctor acting under improper conditions) and not his victim, could be described as criminal. It is extremely difficult to check how far this assumption holds good (one of the papers read at the Congress, but not here reproduced deals with it in a rather inconclusive way), honest answers by the patients could, of course, be expected only in cases of artificial abortion though in those cases the need for convincing a commission of the necessity for an operation and the general moral atmosphere, might cause biases of a different kind. See below, note 13 [R. 5.]

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with previous abortions, in consequence of the prolonged duration of the birth and the degeneration of the placenta

Artificial abortion carried out in accordance with all the rules of surgery, without any subsequent infection, still forms a hormonal trauma upon which the womb reacts by persistent atrophy and fibromatosis. In such cases we found as later consequences of the abortion trauma fibromatous metropathy with callosity of the muscular tissues, atrophy of the endometrium and subnormal functioning of the ovaries, characterized by oligomenorrhœa or amenorrhœa which resisted all attempts at treatment (so far as restoration of the capacity to bear children was concerned, though some improvement in the general and psychological state of the woman was achievable)

Among 7,000 gynecological cases dealt with at our clinic, the constitutionally subnormal types (infantile and asthenic) supplied the largest number of cases of infertility. In the second place follow pyknic women but these proved infertile only in cases of congenital infantilism of the womb. My experience shows that the preservation of pregnancy in infantile women furthers the development of the womb, whereas artificial abortion stabilizes its infantile state.

From a Paper by Dr G. J. Atesher, Director of the Women's Clinic at Erivan, Armenia, on Experiences in Abortion for Social Indications in Armenia

Soviet Armenia is mainly a peasant country. The intelligentsia, few in number, and the dwellers in the two or three towns existing in pre-revolutionary times did not raise the abortion issue with the vehemence known elsewhere. In small places hardly anything can be kept secret, and such conditions prevented women from having abortion carried out at home just as they prevented doctors from undertaking it.

Our country was one of the battle-grounds of the imperialist war. It was completely destroyed and the population brought to a condition of absolute beggary. The copious influx of refugees from Turkish Armenia resulted in acute lack of agricultural land and thus rendered abortion more widespread.

The following years (1918-20) of starvation and of war with the neighbouring States resulted in the establishment of secret abortion as a common practice. In 1920 29 per cent of all the women who entered our clinic were abortion cases.

After the establishment of the Soviet regime, the percentage

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remained stable, at about 26 per cent. We have already explained the much higher percentage (29 per cent) in 1920 . . .

Two hundred and eighty eight, that is, 10 per cent. of all the abortions carried out, concern women from 21 to 30 years old, the age group most fitted for motherhood. In view of the statistics of preceding births⁵ it may be stated that the age of women who undergo abortion increases in proportion to the number of earlier births. Nearly half the cases of abortion concern women with many preceding births. To answer the question what number of preceding children is likely to deter mothers from having more, I have made use of the data of the Department for the Protection of Mothers and Children. Of 620 cases of artificial abortion admitted by the Department,⁶ 67 that is, 11 per cent, concern childless women, 137 (22 per cent) mothers with one child, 187 (30 per cent) mothers with two children, and 229 (37 per cent) mothers with three or more children. Thus a large number of children is a very frequent cause of resort to abortion.⁶

While the total number of abortion cases increases, the percentage of abortions initiated in secrecy decreases. It is not true that secret abortion is a consequence of the refusal of artificial abortion under clinical conditions.⁷ Only 61 of the 284 women who in 1926 applied to the commission of the town of Erivan were refused, but in that year we had 356 admissions for incomplete abortion. Evidently some 300 women themselves took the

⁵ These are given in the parts of the paper not here reproduced. [R. S.]

⁶ Dr. Arashev's source seems to me to render his conclusions rather questionable. In view of its purpose and the Soviet administrative regulations dealing with demands for abortion, the Department was not likely to be approached by women seeking abortion unless there was some likelihood of its influence being exercised to secure the woman a place on the priority list for admission to hospital. In view of evident difficulties implied in her having another child. Cases of extreme poverty apart, such support was most unlikely to be produced for women with no children, or with only one, while it was assumed that the existence of three children established a *prima facie* case in favour of the mother's assertion that she could not rear an additional child. In consequence this data illustrate the principles according to which the public institutions disposed of the hospital accommodation available for abortion cases (which, in a country with a nationalised health service and a law permitting abortion only if carried out in hospital, is synonymous with granting legal abortion) rather than the subjective desires and opinions of women with a certain number of children. [R. S.]

⁷ But see the opposing opinion expressed in the following paper. It should be kept in mind that Dr. Arashev, as distinct from Dr. Brendenaya, is reporting on a rather backward country where some women might for purely traditional reasons prefer abortion by a "wise woman" (for which, as Dr. Arashev explains in the parts of his paper not reproduced here, a certain comparatively safe procedure was established by ancient custom) with only subsequent resort to the clinic, especially in cases where a negative answer by the Commission might with fair likelihood be expected. [R. S.]

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Statistics grouped according to the number of previous abortions show that only 10.4 per cent of our patients had three or more abortions in the background. The obvious explanation is, of course, not the recurrence of a desire to have children after three abortions, but the likelihood that the inflammatory conditions which follow upon some abortions result in definite infertility.

Dr B. A. Benderskaya, Kiev. The birth statistics of the last decade show a rapid decrease in the average size of families, the family with one or two children is beginning to predominate. In Tsarist Russia, limitation of the size of the family was a privilege of the bourgeoisie and of a part of the lower middle class. Only in the large industrial centres where the workers were skilled and enjoyed some education was some decrease in the birth rate observable. The increase of cultural standards and of cultural demands during the last ten years has resulted in a slow but regular decrease in the birth rate, especially in the larger towns. In the villages it is still at the pre-War level. In the Kiev region it amounted in 1926 to 43 per 1,000 inhabitants in the villages against a mere 25.4 per 1,000 in the towns.

The issue of family restriction in our country, especially during the transition from one historical epoch to another, calls for careful attention. The number of abortions carried out in Kiev nearly doubles from year to year, the number of births decreases very slowly, the general mortality, especially amongst children, decreases at a remarkable rate. In spite of the marked progress of abortion the balance of population increase improves in mounting progression.

In the hospitals of the Kiev region there were in 1923-4 751 abortions, 85 per cent of them secret, * in 1924-5 32 per cent of the total of 1,683, were secret, in 1925-6, there were 2,991, of which 30.2 per cent were secret. Thus there is still an absolute increase of the haemorrhagic cases which correspond to secret abortions. This is caused on the one hand by the quite insufficient number of beds available, on the other by prejudices deeply rooted in the rural way of life which can only gradually be overcome by the general advance of civilization in the villages. In twelve rural districts where the civilizing work of the Village Consultation has already a record of two years' activity, no more than 23 per cent of the abortions were secret. . .

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D. I. Iefimov, People's Commissar for Health of the Ukrainian Soviet Republic . . . The statistics we have heard to-day show that the number of abortions in the Ukraine is increasing. But from the conditions prevailing in Western Europe and America we can see that the increase is not due to the fact that abortion is legalized in our country. It is increasing in those countries also, in spite of its being dealt with as a criminal offence. Our legislation regards abortion as a social evil, but it has abolished criminal repression in order to remove the quack. Thus will the harm implied in abortion be reduced, and the struggle against it made easier.

The biological and psychological injury done to the female organism by abortion is so obvious that no special proof of it is needed, but this should not induce us to prohibit abortion so long as socio-economic conditions and the raising of the cultural level demand the restriction of the number of births. Our legislature has legalized abortion in full consciousness of its consequences, for the demands of life overrule humanitarian considerations. Under present conditions we cannot prohibit abortion, no one here can prove that such prohibition would reduce the number of abortions. Abortion would continue to be carried on in secrecy, and more women would suffer trauma.

How is abortion to be fought? Professor Szelitsky was right when he asserted that the doctors present at this Congress should support the State in fighting abortion, but, where abortion is necessary, should carry it out in such a way that the harm done to the woman is minimized. But even the best manner of performing the operation cannot prevent the woman suffering a physical and moral trauma. Under the present conditions fighting abortion means replacing it by contraception. Once we succeed in making progress in that field, more contraceptives will be available. (In this respect it is necessary to find a correct line by your co-ordinated scientific efforts¹¹) At present, the production and sale of contraceptives is left to private speculators and quacks. Contraceptives are sold in the streets like any other commodity, without medical control.

Factor of the whole issue—namely, that the existence of conditions in which abortion was not only legal, but was in many cases regarded as a necessary conclusion of cultural progress, might encourage the bringing of pressure upon pregnant women by husbands, employers, and other persons likely to suffer as a result of the pregnancy in order to induce them to avail themselves of that legal opportunity. This factor was a most important incentive to the abolition of legal abortion in 1955. [R. S.]

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who seek abortion because of material difficulties decline motherhood for selfish reasons. Strange as it may seem in many cases a reasoned and refined appreciation of motherhood enforces abortion upon women who, in view of difficult material conditions, have to weigh every threat to the interests of the already existing or the additional children.

Dr I. I. Selinsky, Tulchin. After all the speakers who have emphasized the harmfulness of free abortion my opinion may appear heretical, but a justified doubt is as good as an unbiased belief. Some speakers, with unmoved looks and turning their backs on the human aspects of the problem, solemnly explain to us abstract truths about abortion. Some of those in this hall seem to be blind, socially short-sighted or simply hypocrites in social matters. They do not see, or do not want to see, the real socio-economic and mass-psychological conditions under which abortion has become epidemic. In the opinions uttered in this Congress there is more moral prejudice than impartial objectivity. We have been told quite a lot of atrocity stories about the harm done by abortions, infections and perforations of the womb, nervous disorders, reduction of the birth rate to a point at which the instinct of motherhood would be destroyed, degeneration of the nation. But I would say with Tolstoy: They are trying to frighten me, but I am not afraid.

(Much of what has been said concerning the dangers and risks involved in abortion holds equally true for many other surgical operations, some of which are regularly carried out for mere diagnostic purposes without any therapeutical indication.) Can a connection be established between abortion and hormonal disturbances? If such a connection as is alleged really exists, how do our urban women who systematically practise abortion after reaching the Balzacian age, manage to compete so successfully with their 20-year-old friends in vigour and beauty of body, while their sisters of the countryside, after having punctually borne six to eight children, are transformed at 30 into walking corpses, or, if you prefer, squashed lemons? The story of the hormones does not seem to be quite so simple as they tell us it is.

Every gardener knows that if a chrysanthemum bush bears too many flowers, some of them have to be cut off so as to save the bush and obtain large double flowers. So long as the birth rate and the coefficient that corresponds to the conditions of (socio-economic) saturation do not coincide, there will

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ought to be able to satisfy that need as normally as does a man. We need no mass-produced class of spinsters, which would be merely harmful to the community. Unquestionably, abortion is an evil; but as yet we have no substitute for it.

Resolution of the Congress.

(1) The First All-Ukrainian Congress of Gynecologists notes a remarkable increase in the number of abortions, not only in the towns, but in the villages also.

(2) The legalization of artificial abortion has resulted in a considerable decrease in the number of secret abortions and of the diseases or deaths ensuing thereupon.

(3) The increase of artificial abortion has not so far resulted in a reduction in the rate of increase of the Ukrainian population.

(4) After thorough investigation in which the manifold harm done to women by artificial abortion has become evident, this Congress declares that it is most important to warn the population of its harmful consequences, and against a lighthearted approach to abortion.

(5) In view of the seriousness of the operation of abrasion and the possibility of incidental complications, this Congress considers that it should not be carried out except in hospitals by surgeons, specially qualified.

(6) The most efficient method of combating abortion is the distribution amongst women of harmless contraceptives as a means of birth control.

(7) Scientific investigation and practical testing of contraceptives is at this stage the most urgent social task before gynecologists, and should be regarded as an essential part of their prophylactic activity.

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of those basic conditions which produce them. The economic inequality of women (especially, amongst others, in our national republics and regions such as Azerbaijan, Bashkiria, and Kazakhstan), religious and customary prejudices (*shariat*³ and *adat*⁴), cultural backwardness—all these conditions still give rise to "traditional" offences in our national regions.

At a time when the socialist offensive is developing on all fronts, the class enemies (the clergy and the big landowners in the forefront) avail themselves of every opportunity to preserve the existing social and economic relations on the basis of *shariat* and *adat*.

The measures taken by the Soviet State to promote the emancipation of women provide first and foremost for the recruitment of women into industry, the creation of special producers' co-operatives (*artels*) for women (*traktse* and others) and of special Women's Institutes (e.g., the well known Women's Club in Azerbaijan named after Ali Bairanova), the extension of a network of crèches, hospitals and canteens, easier access for Eastern women to schools and other cultural and educational institutions, the allotment of special funds to the Commissions for the Improvement of the Working and Living Conditions of Women, and so on.

For instance, we must place on record the extraordinary extent to which the land and water reforms in the Republics of Central Asia have contributed to the emancipation of women.

Although Associations for the Joint Cultivation of the Land⁵ are at present recognized as the main forms of *kolkhoz* economy

³ The Modern religious law. [Tr.]

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⁵ Associations for the Joint Cultivation of the Land. *Artels* and Communes were the three types of *kolkho* known before the wholesale collectivization of agriculture. Broadly speaking, the first type corresponds to the type of agricultural co-operative obtaining in Continental capitalist countries: the land and the crops remain under private control; certain operations only are carried out jointly and certain means of production only—mainly those too expensive for the individual peasants—are used in common. In the *artel* now the regular type of *kolkho*, the most important branches of production are completely socialized: each member is obliged to give most of his labour to them and is entitled to a corresponding share in the earnings of the collective: "at the same time he enjoys the use of a private "auxiliary economy" to cover the private needs of his family and also in some cases to produce some commodities for the market. In the Commune, at one time regarded as the highest form of *kolkho* but completely dropped since 1933, there was no private economy at all: the economic existence of each *kolkho* member depended exclusively upon his share in the collective earnings. In the backward regions of the Soviet Union, with which the article deals, the collectivization of agriculture was undertaken rather carefully: the Association for the Joint Cultivation of the Land being procured at a time when in the more advanced regions of the Soviet Union the replacement of this type of *kolkho* by the *artel* was being successful. [R. S.]

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of social protection provided for "traditional" offences in the first decree of the Government of the R.S.F.S.R. (October 16, 1924) had in various cases been more severe than those contained in the decree passed in 1928. Thus, for instance, imprisonment not exceeding five years was the measure of social protection for compelling a woman to marry against her will, especially by way of *kaly*m (payment of ransom).

The wording of the decree for the Bashkirian Autonomous S.S.R. was somewhat different, but the measures of social protection were the same, that is to say imprisonment not exceeding five years. It should be mentioned that the first decree of the Government of the R.S.F.S.R. gave special consideration to such kinds of "traditional" offence as abduction and compelling a woman to marry. Abducting a woman on reaching marriageable age preliminary to marrying her against her will, was also punished by imprisonment not exceeding five years.

In principle, the terms of imprisonment imposed for any particular offence are rather less important than the fact that our legislation recognizes practices of this kind as being punishable and applies to them adequate measures of social protection, although this does not mean that it is of indifference to the legislator how many years should be given for any particular offence. But it is most important that the legislator should determine the range of practices which, under the dictatorship of the proletariat, are to be considered as socially dangerous, and, on that ground, as punishable.

In the case of socially dangerous persons and of class enemies the legislation of the U.S.S.R. ordains confiscation of property by the Court as a form of punishment. It thus acknowledges that confiscation by Order of Court should be applied only in cases which are exactly delimited by the law.

In the struggle against the various kinds of "traditional" offence confiscation of property is legalized as a measure of social protection in addition to imprisonment and removal from the bounds of a given locality.

Such measures may be applied, for instance, against a person who belongs to the clan of the victim of a murder and declines to be reconciled with the murderer and his clan as laid down by local statutes relating to conciliatory proceedings, and also against persons who obstruct such a reconciliation. This kind of crime assumed very ugly forms at times in our national Regions, inflicting great economic damage and preventing our local organs from

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of women (some forms of *kalym*) still occur. Thus, for instance, during the year just ended, 20.8 per cent. of all offences⁴ in seven Autonomous Regions of the R S F S R. fell into the category of *kalym*, 24.5 per cent. into that of customary abduction, and 46 per cent. into that of polygamy. If we examine the distribution of the most widespread offence, polygamy, among the various Republics, it appears mainly as a "privilege" of the Bashkir Republic. Almost 75 per cent. of the cases brought before the Courts of the Bashkir Republic were cases of polygamy.

Legislation in the Turkmen S S R. against "traditional" offences did not at first embrace the complete range of such offences. The first law passed by the third session of the first Election Period of the Central Executive Committee of the Turkmen S S R. (October 6, 1926) provided measures of social protection against polygamy, *kalym*, abuses in connection with divorce amongst the indigenous population and marrying off a woman below the age of puberty. Later on the second session of the second Election Period passed a final version of the Turkmen Penal Code which included the laws against "traditional" crimes passed by the third session of the first Election Period and supplemented these by measures against other kinds of "traditional" crimes (blood feud, abduction, *kastama* and so on).

Amongst all the various kinds of "traditional" offence which we have enumerated, *kalym* is one of the most dangerous and one which demands a special approach. *Kalym* is a most barbarous and despicable violation of woman's liberty for it reduces the woman to the position of a chattel. *Kalym* results in a barbarous and brutal exploitation of the woman. What is more, *kalym* is a means to illegal enrichment. The institution of *kalym* makes it extremely difficult for small peasants and agricultural labourers to set up house and found a family. *Kalym* in rural areas enslaves the agricultural labourers and small peasants. Marriage by means of *kalym* is a special privilege of the clergy, the big landowners, and the *kulaks*. Finally, *kalym* is a weapon in the hands of the reactionaries by which they strive to prevent the integration of Eastern women into a socialist system. That is why a determined fight against *kalym* remains one of the most important tasks not only for our judicial and prosecuting organs but for Soviet society as a whole, especially in the national Republics and Regions. *Kalym* does not always take the form of direct payment for the

of women (some forms of *kaly*m) still occur. Thus, for instance, during the year just ended, 20.8 per cent of all offences* in seven Autonomous Regions of the R S F S R. fell into the category of *kaly*m, 24.5 per cent into that of customary abduction, and 46 per cent into that of polygamy. If we examine the distribution of the most widespread offence, polygamy, among the various Republics, it appears mainly as a "privilege" of the Bashkir Republic. Almost 75 per cent of the cases brought before the Courts of the Bashkir Republic were cases of polygamy.

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* The author obviously means "traditional" offences. [R. S.]

Polygamy is one of the reasons for the development of *kaly*m

In 1928 the "traditional" offences most widespread in the Turkmen S S R were inciting the divorce of a married woman and marrying a minor

Forty-one cases out of 162 (i e , 25.31 per cent) fall within the clause dealing with marrying minors , 52, i e , 32.11 per cent., within the clause dealing with compelling a married woman to a divorce. The remaining cases fall within the clauses dealing with customary abduction, *kaly*m and so on. One hundred and six people were sentenced to varying measures of social protection for one or the other of these offences. Eight of the offenders, i e , 7.55 per cent , were members of the All Russian Communist Party (Bolsheviks), candidates and members of the *Komsomols* (Communist Youth Movement). The persons convicted can be divided into the following groups, according to their social position

TABLE 2
SOCIAL POSITION OF OFFENDERS

Peasants	Workers	Clerks	Other Groups	Total
83 83.2%	6 5.66%	2 1.89%	10 9.43%	106 100%

Unfortunately, the statistics do not show under the heading "peasants" the class characteristics of those who committed "traditional" offences whether they were small peasants, middle-class farmers or *kulaks*

It is extremely interesting to note the degree of illiteracy among the persons convicted. Only 21 of them, i e , 19.8 per cent , could read and write, and 85, i e , 80.2 per cent , were illiterate. These figures suggest that the political and educational work among the peasant masses is extremely ineffective. No real progress has been made in liquidating illiteracy, the legislation against offences which are survivals of tribal life has not yet been properly explained and popularized.

We must make reference to certain regions and districts where acquittals are the rule. The reasons for this state of affairs are twofold: because there are alien elements among the organs of criminal investigation, and because court officials are insufficiently

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TABLE 3

SOCIAL PORTION OF PERSONS CONVICTED FOR 'TRADITIONAL' OFFENCES IN ARMENIA

Workers.	Kulaks	Middle-Class Farmers	Small Peasants and Agricultural Labourers.	Clerks.	Non-Working Elements.
3	20	122	70	5	11

Middle-class farmers thus form the main contingent of those who committed "traditional" offences

TABLE 4

MEASURES OF SOCIAL PROTECTION IMPOSED FOR "TRADITIONAL" OFFENCES

Imprisonment not exceeding 1 month	4
from 1 month to 3 months	7
3 months to 6 months	31
6 months to 1 year	57
1 year to 2 years	32
2 years to 5 years	6
Conditional Sentences	64
Compulsory Labour*	4
Fines	17
Other Measures of Social Protection	5

The number of conditional sentences imposed in these cases of "traditional" offences is considerable

TABLE 5

DISTRIBUTION OF THE VARIOUS KINDS OF "TRADITIONAL" OFFENCE

Abduction of a Woman.	Compulsion of a Woman to Marry	Marrying a Minor	Adultery	Polygamy
44 17.0%	5 2.0%	126 49.6%	4 1.1%	15 19.3%

The Supreme Court of the Armenian S S R. gave directions to the local authorities, stressing the necessity of considering in

* A penalty characteristic of Soviet law—not to be confused with imprisonment with forced labour which is regarded in the U. S. S. R. as a main factor in the re-educational effect of a prison sentence. "Compulsory labour at the place of employment" implies no interference with the personal freedom of the convicted person apart from his being prevented from changing his place of employment while serving his sentence. Failure to work would be a criminal offence quite apart from the wartime legislation which made it an offence for all citizens. But a certain percentage of his earnings established by the Court is deducted from his wages and paid as a fine [R. S.]

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In other words, the Presidium of the Central Executive Committee of the U S S R referred this kind of crime to the category of Crimes against the Revolution and sanctioned the application, in serious cases, of the supreme measure of social protection—the death penalty.

During the period of intensified class struggle, especially in the Caucasian and Asiatic villages, there were outbursts of anti-feminist terrorism, particularly in connection with the discarding of the veil and the yashmak.

In Uzbekistan alone, there were 203 cases of anti feminist murder in 1928. In the first half of 1929 such cases amounted to 165. We must place on record that the actual number of women murdered on political grounds was considerably larger, for there were also many cases which were not investigated. For instance, according to a communiqué of the Public Attorney, sixty eight women were murdered in Khorezm in 1928, but only twenty of the murderers came up for trial.

Women members of Soviets were also murdered in the regions of Samarkand, Bergand and Andizhan, and an attempt at murder was made in Khojent, in the Tashkent district. Here the Chairman of the Village Soviet of Dargumak, one Gazvikhman, was murdered by assassins hired by the big landowners, because he had worked zealously for the emancipation of women in the village. In this case the clergy had instigated the murder and thus played a major part in the crime.

The clergy and the big landowners were continually fighting the efforts of Soviet legislation to achieve the emancipation of women, and in pursuance of their obstructive aims they wailed themselves not only of our internal difficulties but also of various factors in the sphere of foreign policy. In a period when our relations with the Conservative Government of England were strained, and diplomatic relations were broken off, the clergy engaged in strong agitation. They preached in the settlements and villages that the English had severed relations with the Soviet Union and were preparing for war because they disapproved of the fact that women were discarding their veils and yashmaks.

Further, they spread rumours that the recent earthquake in Central Asia was an act of punishment by Allah for the same offences. In that period, there was also a number of anti-feminist murders.

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These defects were fully exposed by the Commission for the Improvement of the Working and Living Conditions of Women attached to the Central Executive Committee of the U.S.S.R.

The most important shortcomings are as follows

(1) Soviet legislation has not been sufficiently popularized amongst the great masses of the workers especially the women

(2) The courts do not apply sufficiently strong measures of social protection in pursuance of their penal policy This is true in particular of cases where imprisonment is commuted into compulsory labour at the place of employment, a conditional sentence is imposed, or an acquittal is given

(3) Legal advisory assistance for women is inadequate

(4) Proceedings by the organs of justice are slow

(5) The conservative attitude of officials in the judicial and crime-investigating bodies which has frequently been observed during trials of 'traditional' offences and the not infrequent corruption of some organs of the judiciary by the presence of alien elements

(6) Inadequate appointment of women to positions in the judiciary

(7) Both the judicial organs and the various social organizations fail to avail themselves sufficiently of Women's Institutes Peasants Clubs mobile tents and other cultural and educational institutions nor do they make sufficient use of the Associations of Women Delegates for popularizing the legislation against "traditional" offences

In our efforts to remove these defects better planned and more systematic work for the emancipation of women should take first place. Soviet Trade Unions and Co-operatives ought to give more attention to this work than they now do The integration of women into the process of production, and the creation of special producers co-operatives (*Artels*) constitute a main task of our central and local administrators.

The press, which till now has been almost oblivious of this front, might render great service to the struggle for the emancipation of women Our judicial organs and social organizations have up to now made extremely little use of mock trials and debates on the subject of women's emancipation and 'traditional' crimes. If such trials and debates can be

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We have previously mentioned the slow procedure in matters of traditional crimes. This dilatoriness does not inspire the women victims with faith in the help likely to be forthcoming from our investigating and prosecuting organs. Our social and Trade Union organizations must in cases of need exert pressure upon the crime investigating organs at least by means of the press to speed up the proceedings in cases of traditional offences. An end must be put to all the manifestations of red tape which hinder the quick decision of cases.

What is more, officials who fail to take action against those who break the laws safeguarding the rights of women should be punished for neglect of duty.

Finally we must devote especial attention to the special work amongst the native women who act as People's Assessors. If possible special courses of systematically conducted educational conferences should be arranged for them. If all these measures are carried out the work of fighting crimes representing survivals of tribal life should greatly improve.

The abolition of special departments for Women Workers and Peasants within the Party Committees makes it essential that the Commissions for the Improvement of the Working and Living Conditions of Women attached to the Central Executive Committee of the Union and Autonomous Republics and to the district provincial and regional Executive Committees should improve to the maximum the quantity and quality of their work in this sphere. These Commissions can cope with these problems only if they can rely on the unfailing assistance of the whole of public opinion in the Party and the Soviet Union.

There can be no doubt that the emancipation of the working woman in the Eastern national Republics of the Soviet Union is intimately dependent on the economic and cultural rebirth of these Republics which will come with the socialist reconstruction of the economy of the peoples in these regions and a revolution in their way of life. Nevertheless Soviet legislation against crimes representing survivals of tribal life will if successfully applied, contribute decisively to the emancipation of women to their integration into production, to socialist economic reconstruction and to the building up of a civilized social life.

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In agriculture (machine and tractor service stations and State farms) the percentage of women workers is 22.1, including 1 per cent Turkoman, 1.1 per cent Armenian, 17.9 per cent Russian and 2.1 per cent of other nationalities.

In State administration, Turkoman women constituted 3.4 per cent and Armenian women 4.4 per cent of the personnel. Turkoman women make up 1.2 per cent of the managing bodies of national economy, the overall percentage of women in institutions of scientific research is 41.8 made up is to 4.9 per cent of Turkoman women, 5.0 per cent Armenian, 22.2 per cent Russian and 9.7 per cent of other nationalities.

These figures prove that the recruitment of native women especially Turkoman women into industry and agriculture has been successful, although they are not yet sufficiently integrated into the organs of economic administration and government. The proportion of Turkoman women in technical engineering and agrotechnics is still comparatively small. Thus Turkoman women number 33 or 0.6 per cent of the workers in technical engineering, Armenian women 127 or 1.5 per cent and Russian women 508 or 6.1 per cent. One or 0.1 per cent of agrotechnicians are Turkoman women, 7 or 0.6 per cent Armenian, 20 or 1.7 per cent Russian, and 2 or 0.1 per cent of other nationalities.

During recent years the part played by women in agriculture has increased remarkably. Turkoman women and women of other nationalities have become a most important force on the collective farms. They are active as shock workers, chairmen and managers of the *kolkhozes*. In the cotton *kolkhozes*, they cultivate and collect the cotton and also share in the sowing and the necessary preliminary work. In the grain *kolkhozes*, they work at ploughing, sowing, weeding and harvesting.

Once women had become *kolkhoz* members with full rights, they made themselves models of conscientious and pioneering labour. Women Stakhanovites in cotton production such as Basit Bagirova, Mina Muzaleyan and others have trained round themselves a new generation of workers. They are examples of

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Another aspect which deserves special attention is that Turkoman women, and also those of other nationalities, have during recent years become very anxious to get their children into pre-school institutions and crèches.

It is very significant and of the utmost importance that the attendance of girls at secondary and elementary schools and of women at high schools has increased with gathering momentum. In 1915 there was not a single Turkoman woman in the secondary and elementary schools, to say nothing of the high schools.

In 1929, 22 Turkoman women attended institutions of university level; there were 130 in secondary schools and 280 in elementary schools.

In the school year 1934-5 the number of girls in primary schools was 170,778, or 42.8 per cent. of all pupils, 101,967 of these girls were Turkoman (40 per cent. as compared with Turkoman primary schoolboys), and 24,057 (47.8 per cent.) Armenian. In secondary schools, there were 22,439 girls (29.6 per cent. of all the pupils) - their proportion, as against the male school population of the same nationalities, was as follows. 24.6 per cent. (9,981) Turkoman, 22.2 per cent. (45,007) Armenian, 53.1 per cent. (59,062) Russian, 17.5 per cent. Lezgian, 9.6 per cent. Talysh, 6.2 per cent. Avarian, 27.1 per cent. Tat and Mountain Jewish, 44.8 per cent. Gruzian, 12.3 per cent. Tskhurian, 64.3 per cent. Greek and 50.9 per cent. German. These records show that even now not all the girls of the indigenous population attend schools. Furthermore, the proportion of these girls in the secondary schools is lower than that in the primary schools, which points to a great drifting away from the schools of girls in the senior forms. 49.5 per cent. of the population consists of women.

The work of bringing girls into universities, technical institutes, workers' colleges and the like has met with considerable success. On January 1, 1935, of 11,628 university students, 2,843 were women; 1,035 of these were Turkoman; in the technical institutes the number of Turkoman women was 1,971 out of a total of 3,908 women, and in the Workers' Colleges 966 out of 1,785 women. In the Soviet Party schools, 97 out of 136 women students were Turkoman.

Much progress has also been made in providing for women a network of organizations for political education. In 1923-4 there were 40 women's clubs out of a total of 229 clubs; now the number of women's clubs is 49. These clubs have great prestige

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The leading organizations of Azerbaijan frequently drop the whole work for the emancipation of women, and transfer it to the Ali Buranov Palace of Culture.

The Soviets, on their part, do not do as much as they should to recruit women for work of a leading nature in the Soviets. They do not make sufficient use of the increased socio-political activity of women.

Only 13 084 women deputies are elected to the Soviets, or 22.7 per cent out of a total of 57,691. Eleven thousand seven hundred and twenty three of these sit in the Village Soviets, 666 in the Town Soviets, 141 in Settlement Soviets and 614 on the District Executive Committees. In 1930-1 there were forty women chairmen in the Village Soviets, but in 1935 only five of them remained. The increase of women on the staff of sections and groups of deputies is also insufficient.

In Baku and its urban districts considerable attention is given to the (political and educational) work amongst women and to their promotion. But this kind of work in the other regions of Azerbaijan is unsatisfactory. The existing departments of political organization at the factories have not enough guidance for their work among the women. They frequently simply copy the higher women's organizations attached to the Regional Party Committees. Not troubling themselves with their peculiar function, they neglect their proper task—guidance in large-scale work of the Soviets among women.

The Central Executive Committee of Azerbaijan does not give proper attention to the matter of organizing this work among women. This problem of work among women and the implementation of measures which would contribute to their speedier emancipation has not been recognized as important and as having specific bearing on conditions in Azerbaijan. The position of Assistant Organizer of Women's Work in the Factories on the Azerbaijan Central Executive Committee remains vacant. The C.E.C. of Azerbaijan has not complete data with regard to the number of active women members of Soviets, members of sections, and of groups of deputies, of women in a leading position in the Village Soviets, District Executive Committees and Town Soviets. There is also no systematic educational work among the active women members of Soviets.

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The People's Commissariat of Justice and the organs of the prosecution, and even the Supreme Court, fail to pay special attention to the struggle against crimes connected with the emancipation of Eastern women. They neither take account of the cases of this kind, nor do they study the causes of their emergence. In 1933, the Supreme Court dealt with instances of the following crimes: murder of women because of their emancipation, abduction of women and the giving and receiving of *kalyam*; in 1934 only cases of abduction were considered. No records exist for the first half of 1935 of the conduct of cases in these categories. It is also difficult to find even partially complete information about the conduct of these cases in the regional courts and in the hands of the regional prosecuting organs. In the localities, many such cases fall outside the field of vision of the local judicial and prosecuting organs. The investigation and examination of cases of this kind is extremely drawn out: the punishment is not severe enough, the social and class background of these crimes is insufficiently elucidated both during the preliminary investigation and in court, and the class character of the accused persons is not sufficiently revealed; the motives behind these "traditional" crimes, which violate a woman's personality and rights, are not brought to light in the course of investigation, and finally, public opinion takes no interest in the investigation of cases connected with the emancipation of women, so that many guilty persons remain unexposed.

We must note that crimes directed against women, in particular murder, marriage of minors, and driving a person to suicide by burning, revealed a tendency to increase in 1934, whilst the fight against them has weakened. Thus, according to the records of the school authorities of the People's Commissariat of Education, there was quite a large number of cases of teachers marrying their minor pupils. In the Mawilinsk region, the teacher Jafar Naimatov married a minor pupil, the teacher Takhmaz Takhmazov tried to do the same. In the Astarinsk region, one Rasharet Askerov, headmaster of the Dichenky school, abducted a pupil in the third form of his school. Quite a number of other occurrences confirm the view that the considerable degree of school-leaving by girls in the senior forms arises to a certain extent from the custom of marrying girls under age.

The newspaper *Eastern Worker* cites the following instances of the marrying-off of minors: In the Ramzali settlement of the Kutkashench district, Tellu Abdulkhanukh Kky, a girl of 13, was

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Another case was the charge against Mamedov Khanum Rustam Kzy. His daughter Nisa Mamedova had suffered much derisory treatment at the hands of her stepmother. She was not sent to school and was frequently beaten. Driven to despair, Nisa ended her life on July 7 by setting fire to herself. This case is still pending but has not yet been investigated.

There are many cases of this kind in the Republic. They all indicate that the actual emancipation of women demands intensive attention on the part of the Soviet and Party organizations, and primarily on the part of the organs of justice.

In beautiful, prosperous Azerbaidzhan, a country that has been awarded the Order of Lenin for distinguished successes in building up socialism, there should be no room for the oppression of women, no matter what guise it may assume.

(c) O. Gordon *Court Practice in dealing with Delicts against the Emancipation of Women* ¹¹

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¹¹ See also *Gorodskoye*, 1931, No. 1. Readers may notice the much more concrete approach to the sociological implications of the legal norms applied, in comparison with the schematic and propagandist approach predominant in the two above documents, which originated in the period of the first Five Year Plan. [R. S.]

mention by name those localities where this section, regarding survivals of tribal custom, is applicable. It was apparently thought that in each individual case the question whether this or that article is relevant will be examined specially by the court. In reality no such examination is made, and there have been cases, in court practice, of persons being punished for polygamy or for marrying a person below the marital age, where the defendant belonged to a nationality for which these actions cannot be regarded as survivals of tribal custom and although these actions are not punishable under any other article of the Penal Code.

It is necessary to note that the constitutions of the Uzbek, Turkmen, Tadzhik, Kazakh and Kirghiz Republics expressly declare that "opposition to the effective liberation of women (marrying those under age, *kalyms*,¹² organized opposition to the participation of women in studies, agricultural and skilled labour, State administration and social and political work) is punishable by law."

We shall here dwell, not on all the forms of offences against the liberation of women, but only on some of these—the ravishment of women, *kalyms* and polygamy and the marrying of persons who have not attained marital age or sexual maturity.

The ravishment of women is regarded as a criminal act by the Penal Codes of five Union Republics—R.S.F.S.R., Armenian S.S.R., Azerbaijan S.S.R., Turkmen S.S.R., and the Georgian S.S.R. In defining the nature of this crime, the Penal Codes of the republics differ chiefly in that some Codes are concerned with the ravishment of women with a view to marriage, while others in addition take account of ravishment with a view to sexual intercourse. The ravishment of women with intent to sell them or to place them in brothels is mentioned as a special form of delict.¹³ Finally, some of the Codes lay down that consent to sexual intercourse on the part of a girl below the age of consent does not free the seducer from criminal responsibility.

Despite the fact that the Penal Codes of the Union Republics are at pains to stress that the ravishment of women is a legally punishable act only where it is committed against the woman's will, the courts of these republics sometimes fail to penetrate to the heart of the matter and find the defendant guilty even

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court officials are sometimes under the influence of certain historical traditions

According to art 1549 of the pre revolutionary Code, setting down the punishment for ravishment committed with the woman's consent, the ravisher was to be sentenced to from four to eight months' imprisonment, at the request of parents or guardians, and the "ravished" to confinement in a convent or to a life of solitude in the house of her parents and under their close supervision, for a similar period of time

As this short summary shows, law and custom, in prosecuting for the ravishment of women, far from defending woman's rights, her personal liberty or her right to dispose of herself according to her own will, protected instead the interests of the tribe, the power of the private owner, of the master of the house, of the "father" and his right to decide the woman's fate

Soviet penal law takes a diametrically opposite point of view according to Soviet law, the object of making the ravishment of women an offence is precisely to safeguard woman's freedom, her right to marry according to her own will, independently of or despite the will of parents or other relatives Therefore, the ravishment with their consent of women who have attained marital age is a manifestation of woman's independence and cannot be considered a crime in the conditions of Soviet reality To prosecute in such cases is a mistake of the courts, instead of defending woman, it leads to a defence of the old proprietary attitude

An examination of suits concerning polygamy and bigamy reveals a series of complex questions

All the seven Penal Codes of the Union Republics which deal with crimes that are survivals of tribal custom include a prohibition of bigamy and polygamy, but they vary in their definitions of the nature of the crime

The Penal Codes of the R.S.F.S.R. and of the Tadzhik and Armenian S.S.R., and the Statute appended to the Penal Code of the Georgian S.S.R., make polygamy and bigamy, i.e., the state of being married simultaneously, to two or more women, punishable, while the Penal Codes of the Uzbek, Turkmen and Azerbaijan S.S.R.s prohibit the concluding of marriage where a previous marriage is still valid And these Codes further differ in the wording of the relevant articles

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Thus, for instance, the People's Court of the Arys region of the Kazakh S S R, in fining defendants for bigamy, at the same time annuls the marriages of all the accused with their second wives.

A similar practice obtains at the People's Court of the Tulkubas region of the Kazakh S S R, which always accompanies its prosecution of polygamy with an enforced divorce.

The People's Court of the Ketmen-Tubin region of the Kirghiz S S R, having sentenced Trushev to one year's correctional labour for bigamy, at the same time decided to divorce him from his wife Tandysh and to award her the property and clothes belonging to her and 1,000 rubles in money.

The People's Court of the Alkhaltsych region of the Georgian S S R, having acquitted a defendant who was brought before the court on a charge of bigamy, declared: "It became clear in court that the defendant wishes to live with his first wife, his second wife does not wish to live with him, she should therefore leave the house of the defendant and be awarded a third of the property."

Such law making by the courts is to be explained solely by the fact that all guidance on this extremely complex problem of life and morals is lacking, while its solution is imperative. These cases deal with a "continuous" offence which does not end with the prosecution of the husband. The very question of selecting the punishment for these cases is one of special importance. Practice shows that the courts usually impose a fine (generally of 1,000 rubles) for polygamy or bigamy. The fine is paid, but as cohabitation with the wives continues the backward sections of the population may get the impression that all that is needed is to pay a certain sum for the second wife. The educational function of punishment is thus eliminated. It seems to us that in these cases punishment by fine should be prohibited and an order established to regularise the marital relations of persons found guilty of bigamy or polygamy. This

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It may be that some other satisfactory solution to the problems under discussion could be found. But we repeat that unless they are really solved, no purely practical directives to the courts regarding the shortcomings in their work will achieve a fundamental improvement in court practice—all such directives can be but palliatives.

It is necessary to examine the position in the Tadzhik S S R. The Penal Code of this republic was introduced as late as June 15, 1935. It makes polygamy and bigamy punishable, but not the celebration of a new marriage while another marriage is still valid. Further, as opposed to the other Penal Codes that have a similar wording (R S F S R, Armenian S S R., and Georgian S S R.), it does not specify that this law does not apply to marriages celebrated before its publication. This does in fact lead to situations in which the investigating organs bring people to court on charges of bigamy or polygamy who are then prosecuted in court even if their marriage were celebrated long before the revolution or in the years immediately following it.

Such a practice is obviously wrong for in the Tadzhik S S R., too, the principles of Legal Procedure of the U S S R. and Union Republics of October 31, 1924, are law, the third article of which states that only those laws are retroactive which abolish penal sanctions for certain actions or mitigate these sanctions.

The Penal Codes of the Union Republics make it punishable to marry a person below marital age, whether or not this person has attained sexual maturity, in the latter case a more severe punishment is prescribed.

Wherever suits concerning marriages with persons below marital age or crimes which are a survival of tribal custom are dealt with, an especially attentive and careful attitude is required from the organs of the law. Soviet law punishes these crimes because it defends the rights of women and seeks to safeguard for them every chance of physical and psychological development.

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A similar sentence was given in the case of K. D. who was prosecuted in the People's Court of the Akhaltsykh region of the Georgian S S R for 'ravishment of women'. The defendant was found guilty for having met A. S. at some relatives having taken her by the hand and asked her to follow him and when she refused, having snatched her headgear with its golden ornaments and run away (he returned it to the girl the next day). The case shows that K. D. wanted to marry the girl but met with opposition from the parents. As the evidence of the "injured party" herself showed the defendant did not make a single movement which could be interpreted as attempted ravishment. The only point at issue was his taking her headgear which by A. S. herself and by a number of witnesses was regarded as an insult to her since the cap may not be worn by all girls but is the privilege of an only daughter of marrying age.

By its sentence in this case the court defended a custom at the root of which lie the principles of a local law which makes no difference between ravishment with violence and a young man's taking the liberty of touching a girl's hand, taking her kerchief etc.

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¹³ See Note 7 p. 197

suits, can occur firstly between parents, secondly between the parents and a third party, and thirdly between the family and the State organs

The question which of these categories is most frequent in our courts can be answered with the help of the available data as follows: in the overwhelming majority of cases, litigation over the education of children involves the parents when they are divorced or about to be divorced, in some cases it occurs between the grandmother and grandfather, stepmother and stepfather of the child on the one hand and its father and mother on the other, and only on rare occasions did representatives of government bodies act as plaintiffs, with the parents appearing as defendants.

What arguments do plaintiffs put forward to support their case that they should be in charge of the child's upbringing?

Some of them do nothing at all to substantiate their claims, others speak with sincerity of difficulties in paying alimony, and some reinforce their claims with assertions about the strength of their parental feelings.

But the vast majority of plaintiffs usually allege the bad education the child is receiving at the hands of the defendant. They confront us with details of the difficult material conditions in which the child is growing up, with the fact of its having been beaten by the person in whose charge it is, with the moral or political disintegration of the defendant which prevents him from providing the child with a proper upbringing, etc.

The courts also hear cases in which the plaintiffs ask for the child to be taken from them and given to other persons for its education. An example was case No 3215 (1938), heard in the People's Court of the fourth section of the town of Minsk, in which a mother asked that her 10-year-old son be taken from her and handed to his father for education. In case No 678 (1937), heard in the People's Court of the second section of Minsk, the plaintiff was a 14-year-old boy who asked the court to compel his father to fulfil his parental duties towards him.

The arguments with which plaintiffs in suits relating to the education of children support their cases permit us to state that the basic principle of socialist law on marriage and the family—maximum protection for the child's interests, and realization of parents' rights exclusively in the interests of children and of socialist society—has become firmly rooted in the minds of the mothers and fathers of our socialist State.

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The position of dependence which the mother occupies in the bourgeois family stands out especially clearly once we become acquainted with the manner in which suits between spouses concerning children are decided under bourgeois law. These suits take place both when the spouses are living together and when they are separated.

An examination of the bourgeois law which regulates litigation between spouses over the education of children will lead us to the conclusion that the so-called parental authority is granted to the mother only when the father, for various reasons, is unable to exercise it, *that the decisive part in the children's education belongs to the father where the spouses live together, and that, in solving the problems of the children's education, there is in reality no equality whatever between father and mother*.*

We should arrive at the same conclusion on examining the law and court practice in suits over the education of children between spouses who live separated. Bourgeois law and justice here take exactly the same point of view, of the privilege of the father as head of the family. However, law and justice waive this principle in favour of the mother where the father does not ensure to his child the upbringing of a respectable bourgeois.* Thus, in suits between parents regarding children, bourgeois law and justice first of all protect the rights of the father. The mother's right to the child's education exists only conditionally, in so far as it is allowed by the father where the spouses live together, or is determined by law and by the court where they live apart.

Although our law establishes the complete equality of the parents' rights and duties within the family, we occasionally find a court decision accepting it as a general rule that small children should necessarily be left with the mother, on the ground that she, by virtue of 'her natural maternal qualities', is better qualified than the father to take care of them.

In a number of cases this sort of preference for the mother may lead to an infringement of the interests of the children and of society.

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⁴ Cf. arts. 107 and 164 of the "Compilation of Civil Laws" (Vol. V, Part 1), arts. 372 and 373 of the Napoleonic Code, 1671, 1627 of 34 and 1674 of the German Civil Code; art. 274 of the Swiss Civil Code.

⁵ Cf. art. 164 of the "Compilation of Civil Laws" 1675 of the German Civil Code, art. 156 of the Swiss Civil Code, art. 157 of the Canadian Civil Code.

but other circumstances as well - as, for instance, the parents' affection for the child, their cultural standard, the child's social background, etc., and to give a ruling in each case after having considered these factors as a whole and in the interests of the child and of socialist society.

To decide such suits only in the light of "natural maternal qualifications" would mean to ignore the importance of social relations and surroundings for the education of a child, and would lead to the separation of home and social education.

In the courts we meet with actions over a child's upbringing brought by one of the spouses when an agreement as to who was to bring up the children had already been reached and recorded in the Registrar's department. When such an appeal for the transfer of the child comes before the court, the question arises: What is the force of such an agreement and can it be changed? Court practice answers this question in the affirmative and, we are bound to say, acts rightly in so doing. The interests of the child may demand a change in the previously fixed relations to the child of the persons who have charge of its education.

On November 10, 1925, the Civil Appeals Section of the Supreme Court of the Ukrainian S S R ruled, in connection with Sukholinchenkova v. Nosol, that "alimony suits, as well as rulings on the question of custody of a child, . . . being suits of a continuous nature, can be repeated and both the amount and the decision arrived at may be modified." That is why an agreement on the custody of a child, arrived at during a divorce suit, is no obstacle to subsequent litigation, and must itself be regarded merely as one of the arguments of the parties, subject to examination and evaluation by the court.

The class of suits studied here concerns litigation between parents as to which parent is most qualified to care for and bring up children, to make them into new Communist beings. This formulation of the problem contains the key to its solution—a decision must be made as to what would be most likely to benefit the children and socialist society.

Litigation over children involves the interests of the child, of the litigants and of the State. It is evident that the court must exercise special care in deciding such cases, studying in detail all the circumstances of each.

In deciding disputes concerning the transfer of children, the court must examine the child's living conditions, its social

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⁶ "V.S.U.", No. 24, 1925.

bringing up a child by letting it live alternately with the families of the mother and father, who have been divorced, should not be permitted. The Court insists that the child should live with one of the parents, leaving the other completely free to see the child and participate in bringing it up.¹²

This directive of the Supreme Court serves to emphasize that the parent who is not deprived of parental rights, but whose claim to custody of the child has been rejected, is entitled to a share in its education. This right can be realized, both by taking appropriate steps concerning the child in agreement with the parent with whom the child is living, and by allowing the organs of Guardianship and Tutelage to decide arguable points concerning the child's education.

Occasionally a court rejects the plaintiff's appeal for the transfer of a child in the interests of the latter and of the State, even though it may find defects in the education given the child by the defendant. This happens where the court arrives at the opinion that these defects can be remedied and removed under the supervision of the organs of Guardianship.¹³

But what is to be done when both parents are equally qualified to provide useful education, where both are active builders of socialist society? It seems to us that in such circumstances the child's own affections should sway the scales in favour of one or the other parent.

How is the court to react to the wishes of children to remain in the custody of one or the other parent? The law of the R.S.F.S.R. and of the Byelorussian S.S.R. has no answer to this question. Let us therefore turn to court practice.

Some courts do not consider it necessary to ask the children, even when these are 12 years of age or more. Others ask even the 7-year-olds to share in the proceedings.

The Civil Appeals Section of the Supreme Court of the Byelorussian S.S.R., when enumerating the reasons for its decision in case No. 84 of the People's Court of the First District of the town of Orsha, declared on August 18, 1937, that the court "had not questioned the daughter Antonina, who is 8 years of age, and her wishes were not established".

The Civil Appeals Section of the Supreme Court of the R.S.F.S.R. likewise pointed out, in connection with the Kidulin dispute, that "since the son Kidulin had reached the age of 7,

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are codified, the question we have raised will be settled in the way in which it is solved by the legislation of the Ukrainian S S R.

Occasionally, in dealing with parents' suits over the education of children, the courts encounter situations in which neither parent wishes to bring up the child or in which it is not expedient, in the interests of the child and the State, to leave the child with its parents. And yet the courts decide such suits by leaving the child with one of the parents and forcing him or her to bring up the child, even despite his refusal to do so.

It is, of course, the duty of parents to bring up their children. But this duty should not be enforced literally. A dispute concerning a child's education should always be decided in the interests of the child and of the socialist State. Formally compelling the parents to fulfil their duties in connection with the child's education, or leaving a child in the custody of parents who in reality cannot bring up the child in the interests of both itself and society, does not always lead to an improvement in the child's position as compared with that obtaining before the court's decision. Thus a 14 year-old plaintiff who the court ruled, was to be brought up by his father found himself on the street two months later.

For this reason it is wise to send the child for maintenance and education to a suitable child welfare establishment and to order the parents to bear the expenses of the child's upkeep once the court, after careful examination of the case, has convinced itself that legal pressure on the parents will not ensure the child an adequate education.

We base this view on the demands set forth in article 22 of the statement by the Central Committee of the All Union Communist (Bolshevik) Party and by the Council of People's Commissars of the U S S R, of May 31, 1935 concerning "the liquidation of dereliction and running wild of children", and on the articles of the Marriage and Family Codes of the Union Republics, issued in connection with this statement.

An examination of suits between parents over the education of children also aims at combating survivals of capitalism in the minds of some parents.

One of the most disgusting and pernicious survivals of the society of the past in contemporary families is the criminal attitude towards wife, mother and child. This criminal attitude takes the form of not supporting the family, confining one's family responsibility to the payment of alimony, evading the payment of

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PART III

NEW TRENDS AFTER THE STABILIZATION OF SOVIET SOCIETY

DOCUMENT No 12

CONFERENCE OF THE WIVES OF ENGINEERS IN HEAVY INDUSTRY (MAY 1936) ¹

(a) Leading Article from *Pravda* (May 10 1936) * A
Remarkable Conference

To-day the magnificent hall of the great palace of the Kremlin is filled with more than three thousand activist wives ² of the leaders of Socialist industry. This hall has seen much during the past year. The Stakhanovites of industry and transport, the tractor drivers and combine-men, the leading collective farmers, the best cattle-breeders have here held conferences with Comrade Stalin, with the leaders of the party and the Soviet government. Everything that is progressive, full of initiative and creativity in the country has been brought here, into the Kremlin. The best sons and daughters of our fatherland have stepped on to its honoured platform and their powerful voices have been broadcast hence to the whole country.

Who are the people who have gathered there to-day for their first conference, a conference unimaginable in any other country?

They are the activist wives of the managers, engineers and technicians, women who are not themselves employed in the

¹ In spite of the official character of the Conference and the fact that it culminated in conferring Orders upon some of its most prominent participants, the reader will do well to realize the special background of the section of Soviet women to which it was intended to appeal. In *Pravda's* comments, defence of the new movement against reproaches likely to emanate from traditional Soviet ideology is more prominent than the remark that its participants are being raised "to the level of active builders of socialist society." But Verkh, one of them, was outspoken enough when she promised that *farmers' wives* were to become efficient poultry-farmers, that they would permit their husbands to have, in the late evening, another look at the factory if something went wrong, and that, as a result, even of such domestic activities, they would hurry to leave Moscow with its theatres and fashionable shops in order to make money in their homes and in the workers' clubs, and also to make their own dresses, much more and less expensive than those from Moscow. But what I was enjoying such subtleties the reader will also notice the deep sense of patriotism and insight into the realities of the situation that inspired these women—free of them of working-class origin—as early as 1936. [R 5.]

² "Act out"—an active member of some organization or movement, in general, a person taking an active share in civic life. [Tr.]

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Red Urals thermo-electrical power station by the manager's wife. The wives of the leaders of the construction of Krivoi Rog heard about it and found an outlet for their energy. They have chosen as the field of their activities that aspect to which the Party is at present paying great attention, the side of civilization in everyday life. They decided to introduce into life Comrade Stalin's slogan about the care of men.

And now, look at the work done by the wives of the commanders in hundreds of enterprises. They have opened first-class restaurants, poultry farms, fashion shops, they have organized cultural centres, hostels, nurseries, pioneer camps, they are organizing medical services for workers' families, delivery of food stuffs to the houses, canteens. They are liquidating illiteracy and running libraries. Their work represents that great movement of the toilers towards culture in everyday life about which Stakhanovite Fadeyeva has written in the pages of *Pravda*.

The desire for creative and joyful work on the part of the leading wives of the commanders of heavy industry was taken up by Comrade Ordzhonikidze. Supported by Party and government, this movement has found followers in light industry and in the food industry. It is fighting its way into the villages, into the Machine and Tractor Stations. In the northern Caucasus the wives of the managers of the Machine and Tractor Stations are undertaking the organization of the cultural life of the workers on the stations, they are planting house-gardens and allotments, setting up mobile libraries. In Leningrad the first women's organization in light industry has been created by the wife of the manager of the Skorokhod shoe factory. In short, the enterprise of the activists of heavy industry has inspired hundreds of thousands of women.

It cannot be said that the movement of the wives of engineers and technicians did not meet with obstacles. Like everything new, it at first met and even now sometimes still meets, the opposition of dull-witted officials and trade-union bureaucrats. But this movement, created by the initiative of the masses of women, is strong and breaks the obstacles that bar its path.

Even now some people view the work of the wives of the commanders with sarcasm, call them philanthropists and compare them to the pre-revolutionary "charity ladies." This is the shallow nonsense of the stupid bourgeois. The "charity ladies" of the philanthropic societies threw the crumbs from their tables to the poor, and their benevolence took the form of alms.

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our dear and understanding People's Commissar—Comrade Sergo Ordzhonikidze. (*Uproar of applause, shouts of "Hurrah"; everyone rises and cheers.*)

Comrades, I have many times heard the question: Why was the initiative of your factory taken up so passionately in hundreds of factories throughout the country and why has the women's movement grown from tens to hundreds in a period of a few months? Because this movement found the ground prepared. It needed only an initial push. We needed only direction. The whole country was in the grip of such enthusiasm, such heroism, that we, the wives of the engineers, could not stand aside from the great uprising and remain mere spectators. Comrades, in the factories we feel perhaps even more acutely than elsewhere the wisdom of Comrade Stalin's call to the struggle for a better life, for culture and the care of men. (*Loud and prolonged applause; everyone rises.*) Against the background of our wonderful new achievements one feels a special need for increased social and cultural work.

Comrades, social work in our country has been greatly bureaucratized. We have everything in our country; we only need to know how to utilize our resources; we must put our heart into the work and everything will prosper, even that which was lagging behind.

We Soviet women are also united by the fact that we all stand by the Party, we are all longing to work, and we all have one name, the name pronounced by Comrade Stalin and which we bear proudly. We are Bolsheviks without the party-ticket. (*Applause.*)

Comrades, the appeal for our work had already been made in Comrade Stalin's six conditions.³ But we still needed a push, and this push was given us by Comrade Ordzhonikidze. Remember how in 1934 Comrade Sergo issued an order at the Magnitka⁴ plant that the managers were responsible for the child-welfare establishments. Did not this order concern us too? Was it not an appeal to us? How could we have failed to help our husbands in undertaking this task of organizing good child-welfare establishments? After that Comrade Sergo gave us concrete indications about those sides of social life which still awaited reorganization.

³ In a speech before the engineers and managers of the State enterprises, in June 1931, Stalin explained the "six conditions" under which socialism industry would work—personal interest on the worker's part in the stability of his place of employment being amongst them. [R. S.]

⁴ Magnitka—popular abbreviation for the Magnitogorsk combine.

our dear and understanding People's Commissar—Comrade Sergo Ordzhonikidze. (*Uproar of applause, shouts of "Hurrah"; everyone rises and cheers.*)

Comrades, I have many times heard the question: Why was the initiative of your factory taken up so passionately in hundreds of factories throughout the country and why has the women's movement grown from tens to hundreds in a period of a few months? Because this movement found the ground prepared. It needed only an initial push. We needed only direction. The whole country was in the grip of such enthusiasm, such heroism, that we, the wives of the engineers, could not stand aside from the great uprising and remain mere spectators. Comrades, in the factories we feel perhaps even more acutely than elsewhere the wisdom of Comrade Stalin's call to the struggle for a better life, for culture and the care of men. (*Loud and prolonged applause; everyone rises.*) Against the background of our wonderful new achievements one feels a special need for increased social and cultural work.

Comrades, social work in our country has been greatly bureaucratized. We have everything in our country; we only need to know how to utilize our resources; we must put our heart into the work and everything will prosper, even that which was lagging behind.

We Soviet women are also united by the fact that we all stand by the Party, we are all longing to work, and we all have one name, the name pronounced by Comrade Stalin and which we bear proudly. We are Bolsheviks without the party-ticket. (*Applause.*)

Comrades, the appeal for our work had already been made in Comrade Stalin's six conditions.³ But we still needed a push, and this push was given us by Comrade Ordzhonikidze. Remember how in 1934 Comrade Sergo issued an order at the Magnitka⁴ plant that the managers were responsible for the child-welfare establishments. Did not this order concern us too? Was it not an appeal to us? How could we have failed to help our husbands in undertaking this task of organizing good child-welfare establishments? After that Comrade Sergo gave us concrete indications about those sides of social life which still awaited reorganization.

Maryanovskaya, who is the wife of the deputy chief mechanic of the works

Comrade Maryanovskaya in 1934 on her own initiative organized a small canteen in the engineers and technicians' club and everything was good and cheap there. This canteen drew all the engineers from the restaurants which served bad and tasteless food. It was then that the committee of our women's organization suggested to Maryanovskaya that she should look after the big restaurant as well. When Maryanovskaya took over, she inherited torn table linen, broken crockery, frightful forks and a deficit of 18 000 rubles. The directors of the combine were subsidizing the restaurant to the extent of 10 000 to 12 000 rubles monthly. Dinners used to cost 3 rubles, and only bachelors who had no one to cook for them ate there—family men avoided it.

Within two months Maryanovskaya reported that she did not require the subsidy and volunteered to take over a further restaurant which had closed down after its manager had been found guilty of embezzlement. Maryanovskaya appointed the wife of an engineer as manager of this reopened restaurant. Later she opened yet another canteen using the turnover money from the second district, a new restaurant in the guild house, and took under her management the canteen in the business club and finally took over the restaurant for engineers and technicians in the old town. (*Applause*)

The wives of the engineers Laurin, Ulitsky and others are helping her. And not only did they never manage restaurants before, but they never did any work outside the home.

As a result, Maryanovskaya in October 1935 reported profits amounting to 20 000 rubles and by January 1, 1936, of 33 000 rubles. (*Applause*)

Everyone will of course say: What a miracle! How was it done, what happened? Why did the wives manage the business so well and profitably? Enthusiasm, love for the work, a desire to help their husbands at all cost, to help the workers and Stakhanovites so that they should leave the restaurant having eaten well and amply—and not leave them disgruntled after a bad meal—those are the main reasons for our success. Furthermore, the Soviet housewives have, so to speak, come home. Previously there were like this: each restaurant had its manager, its chef, its cashier, its assistant and its deputy and so on *ad infinitum*. Now Maryanovskaya has united all the restaurants under her and has

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who would turn up, jot down highly "business-like" notes and say "Comrades, we'll see to everything" . . . and then vanish. After which—search for them!

The wife of an engineer, Comrade Kazyrskaya, undertook to teach workers German. In order to brush up her own knowledge she attends German classes in the morning and teaches the workers in the evening. I saw a 60-year-old worker wearing old fashioned spectacles labouring over the German language. When I asked him, "What do you want to learn German for?" he said, "The Fascists can't keep still and are wanting to fight us—but I want to beat 'em and talk 'em down in their own language." (*Laughter and applause*)

Comrade Sergo, you were right when you said that we are not only concerned about culture and comfort, but that we also keep production in mind. I am bound to state that we never go to bed until we know whether our factory has worked to schedule or not. And I may say frankly that if scheduled production has not been reached, we worry our husbands at night. "Why don't you go down to the works and check up once more and find out what has gone wrong—why work is behind schedule?" (*Applause*)

I cannot forbear to mention the names of our best comrades—Gorlova, Kazyrskaya, Kobtszar, Gerasimova, Kostuk, Sergienko and others. Gerasimova is my assistant and she is doing great work.

We have among us the wife of an experienced skilled technician who has worked in the factories of the South for thirty years. She is in a position to compare the life of skilled men in the old days and now. Half a year ago she was still paying calls on her neighbours, from old habit, to play cards and gossip about us. But to-day she is saying with tears in her eyes, "How I wish the restaurant of our guild were better than all the others and our hostels the most beautiful and civilized!" She wept with emotion when she said that, and I could not restrain my own tears. I was trembling with excitement. This woman had felt a new and unaccustomed confidence, comradeship. Now she is passionately attached to her social work, toils with great ardour and is therefore present at this conference. She is reborn. Only just now she said to me, "Evghenya Frimanuilovna, I am so happy to be here to-day, and I still cannot believe that I shall to-day see Stalin, our dear Stalin!" (*Applause*)

In looking after the people we could not help paying attention to health conditions. Unfortunately, Comrade Sergo, we have no

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We were also drawing the wives of the workers into our activities. In our movement, of some 500 persons, approximately 150 are wives of engineers and the remainder the wives of foremen and workers, working with a will.

We have opened a "fashion studio"—its director is Comrade Danilovskaya, the wife of the chief works engineer—and we seriously intend to challenge the Moscow shops. In Moscow shops they charge 300 to 350 rubles for a good dress while we charge from 40 to 100 rubles and are usually superior in work and quality.

Comrade Stalin, we ask you to accept a few gifts made by the hands of the activist wives. (*All the delegates rise. Comrade Vesnik presents Comrade Stalin with an album with a piece of tapestry embroidered by herself and a shirt embroidered by the activist wives, Comrade Ordzhonikidze is presented with a shirt and an album, Comrade Krupskaya receives an embroidered cushion. There is wild and prolonged applause.*)

Comrade Voroshilov, here among our delegates are 'Voroshilov shots' and drivers who will come to your aid together with their husbands in the hour of need! (*Furious applause.*)

The president of the movement is the youngest activist, Comrade Guralnik. She herself went to the department to obtain the rifles. Thus May 1 for the first time we were not mere onlookers on the pavement, but marched in the ranks with the working class, with our commanders—and by the way, Comrade Voroshilov, we carried rifles! (*Furious applause.*)

Comrades, our movement must not be bureaucratized. I often hear people ask: to whom will they be attached? In my opinion, we should not be attached to anybody—we work with all organizations, we are attached to all, and those who want to help us do so, and those who need our help shall have it. In some instances the trade unions are being helpful. But unfortunately our Metallurgists' Union not only helps but also interferes.

Leave us to our managers. Although it is awkward for me to speak about my own husband, I am bound to say that if he had not assisted us we should not have done half of what we have done. (*Applause.*)

Comrades, we work with great enthusiasm because we feel that we are part of a great collective. The wives of the engineers are deeply impressed by our successes and the great work of construction. A great cultural movement is manifesting itself everywhere and we are only one of the units doing its work.

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Comrades, if there is war, we shall not only send our husbands and sons to the front with a smile, but we shall go with them ! (*Applause* *Shouts of 'Hurrah All rise'*)

Comrades, we shall go with them and we will be firmly convinced that we shall not be marching to a sacrifice, but to a joyous victory ! (*Applause*)

(c) An Appeal by the All Union Conference of Wives of Managers and Engineers in the Heavy Industries *

To all Wives of Managers and Engineers of the Soviet Union Comrades,

We appeal to you from the rostrum of the Kremlin Palace which has become the Palace of the whole Soviet People. Here in the Soviet Palace face to face with the leaders of the Party, with the great Stalin and the whole of our great people we have told the story of our young movement.

The housewives who only yesterday spent their lives in a circle of narrow family cares have to-day become partners in the great work of Stalin. And our work is led by Stalin's great assistant—his friend and comrade in arms Ordzhonikidze. Only in our country, warmed by the sun of Stalin's care for the life of man, are such vast changes possible in the life of the ordinary working woman.

See what is happening in the countries where fascism holds sway. The brutalized enemies of mankind the German fascists have smothered and suppressed all manifestations of human dignity in woman: they want to reduce her to domestic slavery. Our heart aches for our sisters, for the toiling women who suffer most cruel oppression in capitalist and fascist countries.

In our country, women lead their lives in joy and freedom. The Communist Party and the Soviet government have entered in us a high regard for human dignity and a love of free and happy labour. Millions of women are building up a new and bright world side by side with the men, as their equals. Hundreds upon hundreds of women pilots, engineers, doctors, Stakhanovites in industry, on socialist farms and in transport wear on their breast a Soviet order—the highest emblem of honour their country can give. The Soviet government of our country encompasses

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remember the words of the great Stalin that we are the mothers, the teachers of youth which is the future of our country. And these words have acquired a new meaning for us in the light of our young and quickly growing movement.

Beloved comrades, wives of the key men of industry, of transport, of socialist agriculture, of all branches of national economy! How we regret that you are not here with us, that you cannot listen to the words of our leaders and that you cannot share our profound happiness.

Comrades! We call upon you to join our movement, to spread it over the whole country. Wherever the leading men in production and agriculture do their work, their wives must fight for culture and for a happy life: they must take an active part in the common struggle for increasing production. Our place is wherever there is need of care for human beings in the spirit of Stalin.

We are needed in the schools where the children study. There is much work for us in the hospitals, the canteens, the clubs, the hostels, the study groups and so forth. Our first actions have already led to splendid results. We call upon you to follow our example.

You must be steadfast and persistent in this work. You must prove yourselves genuine Bolsheviks, whether you are party-members or not, in the fight we are undertaking. Apply yourselves to public affairs as you would to the private concerns which are near and dear to you: do everything just as you would do it for yourself, your family and your children. Then your life and the lives of those around you will become richer and more colourful.

Now we have but one aim, one wish: to work hard, to work productively, to work wherever our efforts can help. This is of prime importance. We need not at once become members of special organizations; the great work has only just begun. To develop it, we need the widest scope for initiative and spontaneous activity.

Comrades amongst us, the wives of managers and engineers, there are women who have gone with their husbands through the hard school of the civil war; there are women who have temporarily given up practical work because of family duties; there are women who are finishing their education in Soviet schools and institutions of higher learning and there are also women who come from bourgeois families. But there is one

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DOCUMENT No 13

PUBLIC DISCUSSION ON THE LAW ON THE
ABOLITION OF LEGAL ABORTION, ETC.¹

(a) Leading Article from *Pravda*, May 28, 1936

The published draft of the law prohibiting abortion and providing material assistance to mothers has provoked a lively reaction throughout the country. It is being heatedly discussed by tens of millions of people and there is no doubt that it will serve as a further strengthening of the Soviet family. Parents' responsibility for the education of their children will be increased and a blow will be dealt at the lighthearted, negligent attitude towards marriage.

When we speak of strengthening the Soviet family, we are

¹ On May 26, 1936, the draft of a law amending important aspects of Soviet matrimonial law was published with an appeal for public discussion of its contents. At first sight the public considered the prohibition of abortion as the central issue, while the measures to discourage a light hearted approach to marriage and divorce and to increase the prestige of mothers of many children merely expressed trends already clearly discernible in public utterances. In order to render the prohibition of abortion more acceptable (1) women large investments for the care of mother and child were provided for, and the existing procedure for collecting alimony (see above, doc 7, arts. 42-50 and 56) was improved as regards the amount that might be claimed, as well as the procedure for securing the mother's rights, which indeed, had been one of the weakest spots in the working though not in the wording of the law (see above p. 186). Apart from the issue of abortion the amount of alimony to be claimed formed a main issue in the public discussion. In our selection this is illustrated only by the letter from Judge Yelain. The law as enacted June 27 (below see (d)) differs from the original draft only by a reduction of the maximum amount of alimony that could be claimed and on the other hand, an increase of the investments provided for mother and child-care. There was no change as regards the most contested issue that of abortion.

As distinct from 1925-6 there was this time no parliamentary discussion nor any attempt to regard the discussion that took place as more than a bit of public opinion by the usual means of factory meetings, letters to the press etc. It is necessary to state this explicitly in consequence of some distortions of the facts which have recently become current with authors who had no opportunity to follow matters on the spot, or to refer to any original source. The institution of the referendum, which has been mentioned in that connection is completely alien to Soviet constitutional thought. It had been rejected on former similar occasions—see above, pp. 119-20—even by those who most thoroughly emphasized the need for public discussion. We have no documentary source other than the press (to quote my, or any other observer's, views from some factory meeting which he had the opportunity of attending would, of course, give an even more casual impression). We are dependent on a power of selection, which may have been biased by the government's attitude, but I have tried to correct this as well as I could by eliminating all entries which merely applauded the official policy without putting forward any argument of their own. *Iskra*, which at the time was edited by Bukharin, a man inclined rather outwards to express official policy in matters of everyday life proved not a good source for sharply critical letters. In any case at all the meetings I attended I heard no arguments pro or con which I could not present in this collection. [K. S.]

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bourgeois allegation. The *kulaks* used it to scare the peasants. "In the collective farms you will all sleep under the same 30-yard-wide blanket."

The bourgeois who establishes his family order with the aid of a knout, the bourgeois for whom his own family is but a thin veneer covering prostitution and sexual debauchery, naturally thought that everyone would fall for his lie about "free love" in the country where the exploitation of man by man has been abolished and women have been liberated. But he failed. This weapon, too, was shattered by the stubborn facts of Soviet reality.

It is impossible even to compare the present state of the family with that which obtained before the Soviet regime—so great has been the improvement towards greater stability and, above all, greater humanity and goodness. The single fact that millions of women have become economically independent and are no longer at the mercy of men's whims, speaks volumes. Compare, for instance, the modern woman collective farmer who sometimes earns more than her husband, with the pre-revolutionary peasant woman who completely depended on her husband and was a slave in the household. Has not this fundamentally altered family relations, has it not rationalized and strengthened the family? The very motives for setting up a family, for getting married, have changed for the better, have been cleansed of atavistic and barbaric elements. Marriage has ceased to be a matter of sell and buy. Nowadays a girl from a collective farm is not given away (or should we say "sold away"?) by her father, for she is now her own mistress, and no one can give her away. She will marry the man she loves.

About the position of peasant women in the past Comrade Stalin spoke wonderfully at the conference of the "Pyatsotnitsi".^{*} "Indeed, just consider what women were in the past. As long as a woman was unmarried, she was looked upon, so to speak, as the lowest of the toilers. She worked for her father, slaved ceaselessly, and still her father would tell her reprovingly that he was feeding her. After she was married, she would work for her husband, she would do all the work he forced her to,

^{*} In November 1935 when Stalin addressed (see below, pp. 299-300) a number of women shock workers from sugar-beet-producing districts who achieved harvests of at least 500 quarters (thence the designation, *pyatsotnitsy*) from the fields for the end is one of which they were responsible as harvesters. Very high distinctions (the Order of Lenin) were conferred upon all of them, as also upon other groups of women who proved highly successful in skilled work in agriculture (women tractor drivers, stakhanovskas, etc.) [R. S.]

bourgeois allegation. The *kulaks* used it to scare the peasants. "In the collective farms you will all sleep under the same 30-yard-wide blanket."

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It is impossible even to compare the present state of the family with that which obtained before the Soviet regime—so great has been the improvement towards greater stability and, above all, greater humanity and goodness. The single fact that millions of women have become economically independent and are no longer at the mercy of men's whims, speaks volumes. Compare, for instance, the modern woman collective farmer who sometimes earns more than her husband, with the pre-revolutionary peasant woman who completely depended on her husband and was a slave in the household. Has not this fundamentally altered family relations, has it not rationalized and strengthened the family? The very motives for setting up a family, for getting married, have changed for the better, have been cleansed of atavistic and barbaric elements. Marriage has ceased to be a matter of sell and buy. Nowadays a girl from a collective farm is not given away (or should we say "sold away"?) by her father, for she is now her own mistress, and no one can give her away. She will marry the man she loves.

About the position of peasant women in the past Comrade Stalin spoke wonderfully at the conference of the "Pyatsotniks": "Indeed, just consider what women were in the past. As long as a woman was unmarried, she was looked upon, so to speak, as the lowest of the toilers. She worked for her father, slaved ceaselessly, and still her father would tell her reprovingly that he was feeding her. After she was married, she would work for her husband, she would do all the work he forced her to,

the same time preserving our own health and ability to give birth to further children. This is connected with woman's whole nervous system and has great influence on her entire life. It is a complicated and responsible task!

I welcome the government's draft law which has been published for discussion by the workers. Such a draft could have been produced only in our truly progressive and great country. But I think it should take into account the problem of extending the services and improving the methods of the gynecological advice stations. At present they give exhaustive answers to all the questions put to them by the women who come to them. But the consultants should themselves visit the women, should develop a great social service, arrange lectures, publish popular pamphlets, organize exhibitions, etc. I believe that the need for such intensive work would soon lessen. The simple but comprehensive knowledge will be passed on from mother to daughter.

U Kapalkova, Moscow

Letter signed "A Mother"

For eighteen years I went out to work and was a member of a Trade Union for fourteen years (1918-32). Then I had a daughter. After the girl had spent a month in a crèche and had frequently fallen ill, the doctors advised me to take her home and look after her personally. I was working at the Soyuz factory where I was released after procuring a certificate stating the reason for my absence. But after a while the Group organizer refused to mark my Trade Union card and thus annulled my standing as a worker and Trade Union member. I think this was wrong.

In the government's draft there should be included an article to run as follows: "Women who are forced to leave work to care for an ailing child do not forfeit their acquired standing as workers. The time spent in looking after the child is to be counted as outside work, for the purpose of the pension payable upon incapacitation."

Letter from a Student ("I Object")

I have read in the press the draft law on the prohibition of abortion, and to expectant mothers, etc., and cannot remain silent on this matter.

There are thousands of women in the same position as myself

the same time preserving our own health and ability to give birth to further children. This is connected with woman's whole nervous system and has great influence on her entire life. It is a complicated and responsible task!

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Lastly, a few words about milk kitchens. Collective farms which run a dairy farm should be able to organize their own milk kitchens directly in the village, by mobilizing their own resources.

Woman collective farmer P. Y. Buga, mother of five children, said as follows when the draft law was discussed.

"The project promises State allowances to large families after the seventh and eleventh child. I think State allowances should be given as early as for the fifth child, for it is no easy job to rear a family of five. The premium could be fixed at 1,000 rubles, with appropriate cuts in the subsidy payable at the birth of the eighth and twelfth child."

The distinguished woman collective-farmer H. Tribus (of the Luxemburg region) proposed the addition to the law of an article establishing special collective farm funds for aid to mothers and children.

Letter from "An Engineer"

"Abortions cannot be categorically forbidden."

I am non-party, married, with a 5-year-old son. I work as an engineer and have been and still am in a responsible position. I regard myself as a good citizen of the U.S.S.R.

I cannot agree with the prohibition of abortions. And I am very glad that this law has not entered into force but has been submitted to the workers for discussion.

The prohibition of abortion means the compulsory birth of a child to a woman who does not want children. The birth of a child ties married people to each other. Not everyone will readily abandon a child, for alimony is not all that children need. Where the parents produce a child of their own free will, all is well. But where a child comes into the family against the will of the parents, a grim personal drama will be enacted which will undoubtedly lower the social value of the parents and leave its mark on the child.

A categorical prohibition of abortion will confront young people with a dilemma: either complete sexual abstinence or the risk of jeopardizing their studies and disrupting their life. To my mind any prohibition of abortion is bound to mutilate many a young life. Apart from that, the result of such a prohibition might be an increase in the death rate from abortions because they will then be performed illegally.

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"About Divorces and Abortions"

My age should place me above any suspicion of too subjective an attitude towards the questions dealt with in the government's project of law. I therefore venture to state my view.

For many years I have been engaged in educational activities and have always striven to be as near to young people as possible, taking an interest in their social and family life.

The lack of discipline manifested in the divorces must be remedied—but can people who feel it impossible to live together be bound to each other by the imposition of a fine?

Abortions are harmful. One cannot disagree with that. But situations in life do exist when this harmful remedy will allow a woman to preserve normal conditions of life.

If a single child already ties a woman down, two, three or four children leave her no possibility at all of participating in social life and having a job. A man suffers less. He gives the family his salary irrespective of the number of children—and the whole burden falls upon the mother.

Sometimes abortion is an extreme but decisive means of averting the disruption of a young woman's life. It may become imperative through the accident of an unlucky liaison for a young girl student without means for whom a child would be a heavy penalty, or through bad heredity of the parents or a number of other contingencies which play an important part in life and can often lead to its mutilation. All this must be taken into account.

It must not be thought that the majority of abortions are the result of irresponsible behaviour. Experience shows that a woman resorts to abortion as a last resource when other methods of safeguard against pregnancy have failed and the birth of a child threatens to make her life more difficult.

Simple statistics show that in spite of this the birth rate of our country is increasing rapidly. And what is needed is not pressure, but a stimulation of the birth rate by means of financial assistance, improved housing conditions, legal action against those who fail to pay alimony, etc.

I would most urgently plead for the greatest care in deciding whether to prohibit abortions. Abortions will become obsolete by themselves when knowledge of human anatomy spreads, methods of birth-control are more widely used and—last but not least—when housing conditions are improved.

Prof. K. Bogolepov, Leningrad

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The project is being debated with unusual and searching attention. Its every point is being subjected to careful examination. And the thousands of suggestions made deal not only with the questions put forward by the project but with scores of new questions connected with it. All the aspects of life in its complexity—the questions of housing and the material background of the family in general, the questions of the relations of the sexes, the questions of love, of education, of morality, the problems of medical science, etc., have come into the limelight of topical interest. Girls and boys, men and women, write in their letters about their thoughts and experiences, about their hopes and aspirations. Side by side with a feeling of sincere gratitude towards the Party and the government for the care they take, the letters of the workers contain complaints about the poor work of local organizations about bad crèches to which one fears to entrust one's child about shortcomings in the activities of the maternity homes, nurseries, milk kitchens and sometimes about a heartless attitude towards expectant mothers and mothers in general.

But apart from this there is evidence that the very discussion of the government's project which has as yet no legal validity has borne fruit. We must here note, above all the numerous cases where women have refused to have abortions performed although they had already received an authorization or cases where fathers who were hiding themselves to evade the payment of alimony have come forward of their own accord. In the Donbas, in one of the shops of the Mikayev metallurgical works the worker Kasareva, mother of seven children, was dismissed as she was expecting another baby. Now this mistake of the management and the Trade Union group has been rectified. If E. Kasareva has been reinstated in her work, she is paid her wages during her absence on leave, two of her children are being cared for in a nursery at the factory's expense and two more of her children have been sent to a children's convalescent home.

Hundreds of suggestions put forward during the discussion of the project express the opinions and wishes of individual groups of workers. Hundreds of amendments and supplements foresee situations which it will be necessary to consider under the project. All this will no doubt assist the government when the law is promulgated. The proposals, amendments and wishes of the workers, their objections, suggestions and alterations will be considered by the government. It must, however, be said that

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ill or that the father or the mother requires special treatment involving extra expense—can the court pass these factors by without taking them into account? The same amount of alimony can therefore not be awarded in both cases even though they are similar in material circumstances.

Our courts are above all concerned with safeguarding the interests of the child. But the interests of the litigants must not be forgotten. There are cases where the mother earns twice as much as the father who pays alimony. Here is an example: a mother who brings in a suit for alimony earns 800 rubles while the father earns 400. They have two children and according to the law project the father should contribute half his earnings. Thus the mother with two children will have 1 000 rubles while the father, irrespective of the number of his dependants, will have 200 rubles.

Here is another instance. We judges often have to examine cases in which the defendant is very well off—he earns, let us say, 3 000 rubles. According to the project an order should be made for the payment of 1 000 rubles for one child. Is it fair to exact such sums?

Why should it not be more expedient to allow the court to decide these matters? There are fathers who, in order to evade alimony, or at least to reduce the amount to a minimum, take a badly paid job while their special qualifications (say, electrical engineering) enable them to earn a great deal more on the side than their nominal work brings in. When the child's welfare is at stake this has to be taken into account.

G. Yelkin

Chief People's Judge of the Moscow Region

"Do Not Underrate the Fetal" (published June 8 1936)

The problem of abortion is a difficult and extremely complicated one. It has become the centre of a great tangle in which the interests of the individual and those of the collective are intertwined, family, society, State and humanity have tried to disentangle this knot in various ways, but so far without success.

Sixteen years ago, i.e., almost from the first moment of its existence, our Socialist State took up the problem of abortion and tried to solve it. There were difficult times. The country was shaken by war and by the civil war that followed in its wake, was worn out by the intervention and faced extremely

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of abortion, an operation which is dangerous to the female organism and a heavy responsibility on the doctor. That is why we oppose it.

The slave-like conditions of hired labour, together with unemployment and poverty, deprive women in capitalist countries of the impulse for childbearing. Their "will to motherhood" is paralysed. In our country all the conditions for giving birth to and bringing up a healthy generation exist. The "fear of motherhood", the fear of the morrow, the anxiety over the child's future are gone.

The lighthearted attitude towards the family, the feeling of irresponsibility which is still quite strong in men and women, the disgusting disrespect for women and children—all these must come before our guns. Every baseness towards women and every form of profligacy must be considered as serious anti-social acts.

Prof. M. Malinovsky

Letter from "A Research Worker"

"Doubts about Article I"

The government's project of law reflects that constant care for the people's welfare which characterizes all its measures. It does so by the promise of developing still further the crèches, nurseries, maternity homes—all those institutions which are there to help us in our difficult task of bearing children and of bringing them up.

And yet the project's first article which speaks of the prohibition of abortion raises doubts. I want to express these doubts. Abortions are harmful to health. But there are a number of circumstances in everyday life which make it a heavy burden for a woman to have a large family. There are still many shortcomings in the work of the crèches, nurseries and communal restaurants. Our flats are often overcrowded and insufficiently equipped. Looking after the husband and even the grown up children is hard toil for a woman. But we all want to be "working women." The tribe of "housewives" is dying out and should, I think, become extinct.

Our life in general is improving and becoming more organized. This has already led to an increase in the birth rate despite the fact that abortions were legal. In the capitalist countries on the other hand abortions are prohibited and the birth-rate is declining. This speaks for itself.

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The Soviet country holds no such grim scenes. While abolishing the slavery laws on the unlimited power of the father in the family, the Socialist Revolution has at the same time given all workers a chance of fatherhood. The Soviet marriage in which husband and wife have equal rights is not built on private property. Nor is it simply a legal formality for satisfying sexual desires, as wrote Hugo the bourgeois philosopher whom Marx ridiculed. The Soviet marriage opens up the truly spiritual side of marriage, its moral beauty which is beyond the reach of capitalist society. It reveals man striving for the development of the better sides of his personality. And without deep and serious love, without the bliss of motherhood and fatherhood, the personality of both individual and society is incomplete. Communism makes for whole and happy men.

To strengthen and develop the Soviet family is one of the main tasks of Soviet democracy. People who think that by relieving the father of his former slave-driving rights the Socialist Revolution has at the same time relieved him of his duties towards the family, of his responsibility for the family, are completely in the grip of bourgeois notions. The projected law on the prohibition of abortions, assistance to expectant mothers, development of the network of maternity homes, etc., issued by the government, declares an irresponsible attitude towards the family and family duties to be incompatible with Soviet democracy and Soviet morals. This point has not been questioned in the widespread discussions of the project which are at present going on all over the country.

The project, which is imbued with deep respect and consideration for family, motherhood and children, also raises fatherhood to a high, hitherto standing. In the Soviet land, 'father' is a respected calling. It does not mean "matter" in the old sense of the word. It designates a Soviet citizen, the builder of a new life, the raiser of a new generation.

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But he who sees the fulfilment of his paternal duties in the punctual payment of alimony cannot walk with proudly lifted head and call himself a worthy Soviet citizen. The Soviet family is not a ledger in which money-payment testifies virtue. A Soviet child has a right to a real father, an educator and friend. A father who abandons his children is guilty both before them and before the socialist State which has entrusted the children to his care. An irresponsible attitude towards marriage and the family is a bad recommendation as a citizen.

Socialism provides every toiler with a happy, beautiful life. For the first time in history it creates for the workers a possibility of fatherhood and motherhood in the fullest sense of the word. It therefore makes serious demands on mother and father. A bourgeois attitude towards the family cannot be tolerated.

The published law project and its widespread discussion are signs of a new socialist morality, imbued with force, confidence and vitality. It lies in the flowering and enrichment of human personality, in love for Man. In the light of this morality, the mother wears a new face, and so does the father. "Paternal pride"—these words sound real only in the Soviet land, because a father who has raised new builders of socialism can feel a worthy citizen of his country.

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The October Socialist revolution, which laid the foundation for the abolition of all class exploitation and of the classes themselves, at the same time laid the foundation for the complete and final emancipation of women.

In no country in the world does woman enjoy such complete equality in all branches of political, social and family life as in the U.S.S.R.

^{*} *Collected Laws of the U.S.S.R.*, 1936, No. 34, art. 901. English translation from G. N. Seretbraynikov, *The Position of Women in the U.S.S.R.* London (Gollancz) 1937 pp. 261-7. A few changes have been made in the wording of the translation in the interests of clarity. [R. S.]

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The October Socialist revolution, which laid the foundation for the abolition of all class exploitation and of the classes themselves, at the same time laid the foundation for the complete and final emancipation of women.

In no country in the world does woman enjoy such complete equality in all branches of political, social and family life as in the U.S.S.R.

^{*} *Collected Laws of the U.S.S.R.*, 1936, No. 34, art. 903. English translation from G. N. Serchukovskaya, *The Position of Women in the U.S.S.R.* London (Gollancz) 1937, pp. 261-7. A few changes have been made in the wording of the translation in the interests of clarity. [R. S.]

the question of a revision of the decision of the People's Commissariats of Health and Justice of November 18, 1920.

Necessary material provision for women and their children, State aid to large families, the utmost development of the network of maternity homes, nurseries, kindergartens, legislative establishment of minimum sums which the father of a child must pay for its upkeep when husband and wife live apart, on the one hand, and prohibition of abortions on the other, coupled with an increase in the penalty for wilful non-payment of the means for the maintenance of the children awarded by a court, and the introduction of certain changes in the legislation on divorce for the purpose of combating a light-minded attitude towards the family and family obligations—such are the roads which must be followed in order to solve this important problem affecting the entire population. In this respect, the Soviet Government responds to numerous statements made by toiling women.

In connection with the above, and taking into consideration certain comments made by citizens during the discussion of the draft, the C.E.C. and the Council of People's Commissars of the U.S.S.R. DECIDE :

1.

On Prohibition of Abortions.

1. In view of the proven harm of abortions, to forbid the performance of abortions whether in hospitals and special health institutions, or in the homes of doctors and the private homes of pregnant women. The performance of abortions shall be allowed exclusively in those cases when the continuation of pregnancy endangers life or threatens serious injury to the health of the pregnant woman and likewise when a serious disease of the parents may be inherited, and only under hospital or maternity-home conditions.

2. For the performance of abortions outside a hospital or in a hospital under conditions violating the above provisions, the doctor performing the abortion shall be criminally punishable to the extent of one to two years' imprisonment, while for the performance of abortions under insanitary conditions or by persons who have no special medical training a criminal penalty of not less than three years' imprisonment shall be fixed.

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of the law also to those families who at the time of the publication of the law have the requisite number of children

III

On Extension of the Network of Maternity Homes

To instruct the People's Commissariats of Health of the constituent Republics

11 In order to provide medical assistance in special maternity homes for all women in childbirth in cities, industrial and district centres, to establish and open by January 1, 1939, 11,000 new maternity beds of which, in addition to the 4,200 beds provided by the 1936 plan, there are to be established

in 1936	2 000 beds
in 1937	4 000 beds
in 1938	5 000 beds

12 In order to extend medical service to women in childbirth in rural localities, to provide and put into use 32,000 maternity beds, of which 16,000 beds in the maternity wards of village hospitals shall be at the expense of the State budget and 16,000 beds by organizing collective farm maternity homes, 75 per cent of the cost of their organization to be charged to the collective farms and 25 per cent to the State budget

These are to include

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In 1937 6,000 beds in hospitals and 6 000 beds in collective farm maternity homes

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13 In order to provide women in childbirth who are not served by lying-in hospitals with obstetrical assistance in their homes, to open by January 1, 1939, 14,400 new obstetrical stations of which 2,700 stations are to be opened in the villages and 1,370 obstetricians appointed to the new collective farm maternity homes in 1936, 5 000 stations in the villages and 2,000 obstetricians at the new collective farm maternity homes in 1937, 6,700 stations in the villages and 2 000 obstetricians at the new collective farm maternity homes in 1938

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- In 1936— 30 kitchens of the first category (at an estimated cost of 83,000 rubles each).
 100 kitchens of the second category (at an estimated cost of 65,000 rubles each)
- In 1937— 70 kitchens of the first category
 200 kitchens of the second category
- In 1938— 100 kitchens of the first category
 300 kitchens of the second category

V.

On Enlarging the Network of Kindergartens.

19. To triple the functioning network of permanent kindergartens in cities, factory settlements, and on railways within three years, bringing it up to 2,100,000 places by January 1, 1939 (as against 700,000 places in the present network of kindergartens); and at State farms, plants and institutions in village localities, up to 300,000 places, as against 130,000 places of the present network, for which purpose the following must be built and put into operation

In 1936: In cities, factory settlements, and on railways, In addition to 250,000 places planned according to the 1936 programme	150 000 places
at State farms and at enterprises and institutions in village localities, the plan for the increase of kinder- gartens in 1936 is to be left at the former	60,000 "
In 1937: In cities, factory settlements, and on railways	300,000 "
at State farms and at enterprises and institutions in village localities	60 000 "
In 1938: In cities, factory settlements, and on railways	700 000 "
at State farms and at enterprises and institutions in village localities	50 000 "

20. To open permanent kindergartens, with 700,000 places at collective farms, in addition to the existing network of 400,000 places by January 1, 1939, as follows

In 1936, supplementary to the planned 150,000 for 1936, 50,000 places. Total	200,000 places
In 1937	240,000 "
In 1938	260,000 "

By the same date to provide all children on collective farms with seasonal playgrounds for children of pre-school age, for which purpose the following must be provided:

In 1936 (according to the 1936 plan)	4,500,000 places
In 1937	7,800,000 "
In 1938	10,700,000 "

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VII

On Financing the Above Measures

23 In accordance with this decision, to assign, over and above the sum allocated for 1936 in the State and local budgets and the social insurance budget, 1,481,300,000 rubles for maternity homes, midwifery stations, nurseries, dairies and kindergartens, additional for 1936, 692,800,000 rubles for the construction and development of the network of these institutions, increasing the general amount assigned in 1936 to 2,174,100 000 rubles as against 875 000 000 rubles in 1935

From the above-mentioned 692 800,000 rubles, to use for the construction of

	Rubles
(a) Maternity beds in cities	22 200 000
(b) Maternity beds in villages	23 800 000
(c) Children's nurseries in cities	*320 000 000
(d) Kindergartens in cities	*221 000 000
(e) Dairy kitchens	9 000 000
Total for construction	596,000,000

* After allowing for an 11 per cent decrease in construction costs.

On operating expenses

	Rubles
(a) For maintenance of the newly opened maternity beds and midwifery stations	5 000 000
(b) For maintenance until the end of 1936 of newly built children's nurseries	11,800,000
(c) For the extension and improvement of the network of functioning kindergartens by utilizing and transforming into kindergartens new sites, porches and other light types of buildings in existing kindergartens and small repairs to buildings taken over	30 000 000
Total	46 800,000

On training cadres

	Rubles
(a) For training midwives and nurses of the People's Commissariat of Health	15,000,000
(b) For teachers for town kindergartens of the People's Commissariat of Education	17 000,000
(c) For preparation of teachers for village kindergartens of the People's Commissariat of Education	18,000,000
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31. To raise to two years' imprisonment the penalty for non-payment of sums awarded by a court for the maintenance of children, the search for persons refusing to pay alimony to be made at their expense.

(Sd) M. Kalinin,
Chairman of the Central Executive Committee of the U S S R
V. Molotov,
Chairman of the Council of People's Commissars of the U S S R
I. Unschlicht,
Acting Secretary of the Central Executive Committee of the
U.S.S.R.

June 27, 1936.

Kremlin, Moscow.

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superiors" (art 9) and ending with the wife's obligation "to follow her husband when he accepts employment or for other reasons changes his permanent abode" and her duty "to obey her husband as the head of the family, to be loving and respectful, to be submissive in every respect and show him every compliance and affection, he being the master of the house" (art 107) These regulations which enslaved woman and which to-day sound almost funny, were nevertheless at the time of the Revolution the legal norms which regulated the lives of millions

The dictatorship of the proletariat had therefore to take immediate steps to effect the juridical liberation of the family and of its most oppressed member—woman. The Soviet government solved this problem exceptionally quickly by ordering full equality of the sexes in politics and in the family to be effected. The October Revolution did away with all elements of coercion in the conclusion of marriages, established freedom of divorce, abolished the contrast between children "born in wedlock" and "illegitimate" children, and put at woman's disposal a number of legal guarantees laid down in the law which made her politically and domestically the equal of man.

Thus the dictatorship of the proletariat introduced a number of measures which had until then not figured in any family legislation.

There is not a trace in our Soviet Russia [wrote V. I. Lenin in March 1921] of inequality between woman and man. The worst, the most disgraceful and hypocritical discrepancy in the marriage and family law, the inequality with regard to children has been completely abolished by the Soviet government. This is only the first step to the liberation of woman. But none of the bourgeois republics, however democratic, have dared to take this first step.¹

Legal and political equality for women did not, however, mean complete and effective equality in the family in everyday life. There were quite a number of grave and complicated impediments in the way of implementing the effective equality of the sexes. A considerable number of women were not adequately engaged in communal production, female labour was less qualified than male labour, an overwhelming majority of the female population of the country was politically and culturally backward, there was women's preoccupation with the household, there were remnants

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success has been achieved in rationalizing and easing kitchen work (Mass distribution of electric kitchen equipment, production of tinned foods, etc.)

The kitchen is not the only or even the most important aspect of the everyday household burden which weighs on women and prevents them from taking part in the productive process and in social life. Under capitalism the work of looking after children, particularly infants, by completely absorbing the working woman, paralyzes all her tendencies to become economically independent, to join in productive and political life.

Socialist society has created conditions in which the work of rearing and educating children leaves woman a chance of combining her maternal functions and duties with active productive and social work.

Communal kitchens, creches, kindergartens [wrote V. I. Lenin in his famous article *The Great Beginning*] these are instances of those shoots [shoots of Communism—S. W.] these are the simple, everyday means which without proposing anything magnificent, grand or dazzling can in fact liberate women, can in fact whittle down and abolish their inequality with men in their rôle as workers in communal production and social life.⁵

As opposed to the capitalist countries where pregnancy and the birth of a child are connected for the working woman with great financial burdens and often with the loss of her source of livelihood, woman in the U. S. S. R. is throughout this period the object of the special solicitude of the State. Soviet law entitles the woman who works in State socialist enterprises to four months leave before and after childbirth and the woman collective farmer is, under the new model statute of the *kolkhoz*, entitled to two months free of work. Great attention is paid to making childbirth painless and we have already achieved great success. The number of hospital confinement beds is rapidly growing. Before the revolution in 1914 there were 6,824 beds in our country, in 1918 this number had dropped to 5,821, but in 1931 it had risen to 32,773 and in 1935 reached 42,871. The draft law of May 25, 1936, authorizes the provision by 1939 of 11,000 additional confinement beds in urban and regional centres and 32,000 beds in village localities. Financial assistance for pregnancy and childbirth in 1927-8 amounted to 29,639,000 rubles, in 1932 reached 58,617,000 rubles and in 1935 exceeded

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In Tsarist Russia female labour was as a rule used for unskilled or semi skilled work. The Soviet government has with untiring energy been promulgating a series of measures designed to combat the backwardness in skill of the country's female population. These measures began with the struggle for universal preparatory education, for girls as well as boys, and ended with the organization of special schools and courses for the training, re-education and re-qualification of female workers.

The results of these measures are available. In 1927-8 4,463,200 people passed through the primary and secondary schools of the U S S R, in 1935-6 this number had risen to 11,915,100, and the percentage of girls in the total of students had risen during this period from 39.6 per cent to 46.9 per cent. The percentage of women at workers' high schools in 1928 was 15.6 per cent, in 1935 it had risen to 36.6 per cent, in the technical colleges 37.6 per cent were women in 1928 in 1935 the percentage stood at 44.1 per cent, in the universities there were 28.1 per cent women in 1928, in 1935 there were 38 per cent.

The persistent efforts of Party and government to raise the standard of female labour have produced tangible results. As we shall see below, the composition of skilled labour in the U S S R has been sharply modified towards an equalization of female with male labour.

The dictatorship of the proletariat has made the legal equality of men and women a fact, has liquidated the numerous household obstacles which in the exploiting societies stand in the way of women's productive and social activity, has waged a decisive struggle against women's backwardness in skill and has removed the shackles that hampered their cultural development. As a result of all this Soviet women were given possibilities unheard of anywhere else, possibilities of participating in the work of the collective, the final condition for their complete emancipation.

Life has shown that one of the conditions of socialism is the participation of millions of women in productive labour, in the class struggle, with the protection of their legal and actual equality, and life has also shown that this condition can be fulfilled only by the dictatorship of the proletariat in the process of socialist construction.

The profound dialectics of Lenin's directives in regard to the emancipation of the female half of working humanity in the land

In Tsarist Russia female labour was as a rule used for unskilled or semi-skilled work. The Soviet government has with untiring energy been promulgating a series of measures designed to combat the backwardness in skill of the country's female population. These measures began with the struggle for universal preparatory education, for girls as well as boys, and ended with the organization of special schools and courses for the training, re-education and re-qualification of female workers.

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cent. Timber industry: in 1913, 99 per cent.; in 1935, 39.7 per cent.

In certain branches of industry women represent more than half the total number employed. This number includes factories producing rubber, asbestos, textiles, leather and fur, footwear, cakes, preserves and tobacco. In two branches—knitting and sewing—women form more than three-quarters of the employees.

The most interesting point is that Soviet women have gained and continue to gain in those branches of industry which are closed to women in capitalist society and which in capitalist countries are regarded as a man's job from which women are "by nature" excluded. Women thus play a very negligible rôle in capitalist mining industry. The proportion of women to the total numbers employed in the mining industries is, for France (1931), 2.7 per cent.; for Italy (1931), 1.8 per cent., for Germany (1932), 1.0 per cent.; U.S.A. (1930), 0.6 per cent., and in Great Britain, 0.6 per cent. In the U.S.S.R. women represent 27.9 per cent. of the total number of people working in the mining industry. The building trade offers a similar picture. In the countries mentioned above the percentages for this trade range from 0.5 per cent. (Italy) to 2.9 per cent. (Germany). In the U.S.S.R. women constitute 19.7 per cent. In the metal industries the percentages range from 3.0 per cent. (U.S.A.) to 5.4 per cent. (Great Britain). In the metal industries of the U.S.S.R. 24.6 per cent. of all workers are women.

In the U.S.S.R. we have completely dispelled the ideology cultivated by the bourgeois, the legend about female labour being inferior, the bourgeois attitude to female labour as being "second-class" and unfit for vital tasks.

Socialist construction has supplied the proof that it is the bourgeoisie which made female labour "second-rate", that the conditions of capitalist exploitation made it so. The experience of socialist construction has also dispelled another myth canvassed by the bourgeoisie, about the heightened traumatism among women.

While under capitalism female labour is the cheapest and most exploited form of labour, artificially prevented from raising its standard, in the U.S.S.R. women and men receive equal pay. Women enjoy the full scope of the special qualifications sponsored by the proletarian State in all industries and invade all departments of socialist construction. During the first and second five-year plan female labour abruptly developed higher productive skill.

cent. Timber industry: in 1913, 9.9 per cent.; in 1935, 39.7 per cent.

In certain branches of industry women represent more than half the total number employed. This number includes factories producing rubber, asbestos, textiles, leather and fur, footwear, cakes, preserves and tobacco. In two branches—knitting and sewing—women form more than three-quarters of the employees.

The most interesting point is that Soviet women have gained and continue to gain in those branches of industry which are closed to women in capitalist society and which in capitalist countries are regarded as a man's job from which women are "by nature" excluded. Women thus play a very negligible rôle in capitalist mining industry. The proportion of women to the total numbers employed in the mining industries is, for France (1931), 2.7 per cent.; for Italy (1931), 1.8 per cent.; for Germany (1932), 1.0 per cent.; U.S.A. (1930), 0.6 per cent.; and in Great Britain, 0.6 per cent. In the U.S.S.R. women represent 27.9 per cent. of the total number of people working in the mining industry. The building trade offers a similar picture. In the countries mentioned above the percentages for this trade range from 0.5 per cent. (Italy) to 2.9 per cent. (Germany). In the U.S.S.R. women constitute 19.7 per cent. In the metal industries the percentages range from 3.0 per cent. (U.S.A.) to 5.4 per cent. (Great Britain). In the metal industries of the U.S.S.R. 24.6 per cent. of all workers are women.

In the U.S.S.R. we have completely dispelled the ideology cultivated by the bourgeois, the legend about female labour being inferior, the bourgeois attitude to female labour as being "second-class" and unfit for vital tasks.

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branches of Soviet industry and transport. From year to year it is increasing its hold on the skilled professions.

The proportion of women has also increased surprisingly among engineers and technicians and among the workers in this profession. In 1925 there were no women among the engineers and factory managers of the ferrous metals industry; in 1934 women formed 4·3 per cent. Among technicians the percentages rose from 0·5 per cent. in 1925 to 12·4 per cent. in 1934; in the laboratories the corresponding increase was from 14 per cent. in 1925 to 53·3 per cent. in 1934.

In the chemical industry the picture is largely similar: in 1925 6·8 per cent. of chemical engineers were women; in 1934 this figure had risen to 14·2 per cent. Of production managers, heads of workshops and departmental managers only 0·5 per cent. were women in 1925; in 1934 the figure was 3·9 per cent. In the chemical laboratories the proportion of women rose from 22·5 per cent. in 1925 to 74·9 per cent. in 1934. Similar processes took place in a number of other industries, in mining, machine-construction, cotton, sewing, footwear. In the ten years from 1925 to 1934 the numbers of women among engineers, technicians and other employees increased both absolutely and relatively, and there were corresponding increases in the responsible departments demanding particularly high qualifications.

As we have already pointed out, men and women receive equal pay in the U.S.S.R. a result of the penetration of female labour into almost all branches of industry and their mastery of highly skilled professions. Comparisons made between the average daily earnings of women and men in different categories of bench workers of the machine-building industry showed (according to the Central Institute of Statistics data for October 1934) that the women's wages are never less than 80 per cent. of the wages earned by men and in a number of professions exceed those of the men. Women's earnings vary between 101 per cent. and 110 per cent. of men's earnings for metal turners making electrically powered machinery, at the benches of the motor-tractor works, at the milling machines making grinding tools, at the revolving lathes of the motor tractor industry and for drilling tool operators of engine and railway industries. In the cotton industry women's wages represented, according to the same data, 102·7 per cent. of the men's earnings for weavers at mechanical looms and 116·5 per cent. for weavers at the automatic looms. In the wool industry the figure was 106·5 per cent. for all weavers.

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worked for her father, slaved ceaselessly, and still her father would tell her reprovingly that he was feeding her. After she was married, she would work for her husband: she would do all the work he forced her to, and still her husband would reproach her with 'I am feeding you'. In the village the woman was the last of the toilers. It is thus evident that under such conditions the women peasants could not produce heroines of labour. Labour was then considered a curse for the woman and she strove to avoid it in every way.

"Only the life of the collective farms could make toil a matter of honour, this life alone could produce real heroines on the land. Only life on the collective farms could abolish inequality and put woman on her feet. You yourselves know this well. The collective farm introduced the labour-day.* But what is the labour-day? In face of the labour-day all are equal. Whoever has most labour-days to his credit has earned most. Now neither the father nor the husband can complain that he is feeding

* The term used by Stalin as in Soviet agricultural legislation is *trudodeny* working day which is clearer for the Russian peasant, but might mislead the foreign reader. The part of the collective product and of the proceeds of selling *kolkho*s products which is destined for the immediate remuneration of the *kolkho*s members for work done is distributed among them according to the number of labour-units *trudodeny* that are credited to each member's account. The labour-day is conceived accordingly to the amount of work of average skill done by a *kolkho*s member of average efficiency, but as labour on the collective farms like all Soviet labour is remunerated in accordance with the quality and quantity of the work done, only occasionally is an actual working day paid for by the claim to that part of the collective product which corresponds to a labour-day. Work calling for higher skill—for example that of a tractor-driver and so on—even if done with mere average efficiency is remunerated by crediting a higher number of labour-days to the *kolkho*s member who performs it than is an actual day spent in the fields with the most unskilled types of labour command less than one labour-day for a day's work. At the time when Stalin spoke the remuneration for one day's work of average efficiency was graded according to the skill it called for at from 0.5 to 2.0 labour-days. But apart from this there is also, as in the whole of Soviet economics, differentiation in remuneration according to the quantity of work done. A tractor-driver who manages to fulfil twice his norm may be credited with not two but four labour-days, whilst a fellow driver who is very inefficient and can fulfil only half the norm may come out with merely a single labour-day: that is to say with no more than another member of the *kolkho*s with merely average qualification but also with average efficiency. Once this meaning of the labour-unit is realized the reader will understand why the woman mentioned by Stalin can be proud of having earned 500 labour-days during a year—evidently in consequence of her high professional qualifications—and what is the meaning of the average number of labour-days earned by women collective farmers in different regions are below p. 293: the statistics given are intended to measure not a woman's actual, but the average degree of skill and efficiency achieved by the female members of the *kolkho*s. On the assumption that in 1935 the labour-day in the average *kolkho*s of the region under discussion actually corresponded to the work done by a *kolkho*s member of average skill and efficiency, a coefficient of 0.93 labour-days for a single day's work would mean that there was hardly any difference between the average skill and efficiency of male and female *kolkho*s members respectively (the higher degree of female absenteeism from physiological causes would find no expression in figures, as it simply reduces the number of days actually spent in the fields).

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A survey by the Department of Statistics of the People's Economy of the work of adult female collective farmers in six districts (Leningrad, Moscow, Odessa, Kiev, Kuibishev and the Byelorussian S.S.R.) established that in 1933 women collective farmers did 0.87 labour-days in a single day's work; in 1934 this figure stood at 0.95 and in 1935 reached 0.99.⁹ A survey in fourteen republics, regions and districts showed that adult women collective farmers were responsible for a very considerable proportion of the average number of labour-days to the credit of each family. This proportion ranged from 23.3 per cent. (in the Uzbek S.S.R.) to 46.3 per cent. in the western provinces. There is not a single important aspect of collective farm work in which female labour has not firmly established itself. It must be noted, however, on the strength of the data furnished by a survey of 6,861 *kolkhozes* made by the Department of Statistics in January 1936, that not in all branches of this work is this establishment sufficient. Thus, among chairmen and deputy-chairmen of the collective farms only 2.7 per cent. are women, among chairmen of inspection committees only 1.8 per cent., among accountants and book-keepers 4.5 per cent., among the brigadiers of the agricultural brigades 2.8 per cent. But at the same time there are a number of occupations on the *kolkhoz* in which women play a very considerable and sometimes preponderant part. Among members of the *kolkhoz* administrations 18.2 per cent. are women, among the brigadiers of the cattle-breeder brigades 22.1 per cent., among cowherds 51.3 per cent.

The part played by Soviet women in the present-day *kolkhozes* and Soviet economic production is brought out clearly by the fact that while at the first All-Union Congress of Shock-Collective-Farmers in 1933 14.8 per cent. of the delegates were women, at the second congress in 1935 the women delegates made up 30.8 per cent. of the total attendance. At the conference of the vanguard of livestock-breeders in February 1936 women represented 34.6 per cent.

This means that woman is beginning to occupy as considerable a place in socialist agriculture as in socialist industry.

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but in 1934 this proportion had reached 80.3 per cent, and it is of importance in this connection that this figure is not much below the corresponding figure for the male electors (86.4 per cent). Data regarding the elections for Town Soviets tell the same tale. In 1926 42.9 per cent of the female urban electorate voted, in 1934 the figure reached 90.4 per cent (while for men it was 92 per cent).

For the role which Soviet women are beginning to play in the administration of the State, data about their immediate participation in the organs of the Soviet government are even more revealing. In 1927 women formed 9.9 per cent of the members of the Village Soviets, in 1934, 26.2 per cent. In the composition of the Urban Soviets there were 18.2 per cent women in 1926 and 30.4 per cent in 1934. In the departments of the Central Executive Committee of the U.S.S.R. the highest governing organ of the Soviet Union there are 101 women.

One can boldly assert that in our socialist fatherland there is not one branch of industry, agriculture, culture, art, science or administration of the State in which Soviet women do not actively participate. The heroic toil of the free Soviet women has left its mark all over the new achievements of the socialist land—on the giants of industry, on the marvellous work of the White Sea Canal and of the Moscow Underground, on the sugar beet fields and at the weavers' looms, in the scientific research laboratories and in sports records, on the theatrical stage and in the parachute associations. Soviet woman has shown throughout the years of socialist construction just as she did during the years of the Civil War, that she can be a genuine fighter for socialism. Once liberated from those many different burdens that weigh on her in the exploiting class societies, the working woman in the U.S.S.R. is showing a wonderful enthusiasm for work, showing great creative ability and personal courage. Socialism has set free the powerful forces of the working women which were suppressed by the capitalist system, it has given them freedom and knowledge, it has inspired them to the heroism of toil. Socialism has produced thousands of heroines of socialist labour—Demchenko, the Vinogradova, Anguelina, Nendakhina, Amanova, Odintsova and others. Even early in 1936 the country could point to more than a thousand women who had been awarded the highest orders of the Soviet State. There were no such women, and there could not have been, in the olden times.

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of woman from the exhausting and soul-killing burdens of household slavery. One of the many manifestations of capitalist barbarism is that capitalism does not give the woman who is a mother a chance to be a worker, just as it deprives the worker of the possibility of being a mother. Socialism does away with this barbarous state of affairs. Under socialism participation in communal work does not mean for the woman an enforced renunciation of family life, but on the contrary a chance to take part in it freely and equally. This fact is a wonderful illustration of the words of Karl Marx, that a phenomenon which under capitalist conditions is the poisoned source of ruin and slavery, under the conditions of socialism "must on the contrary become a source of human development".¹² These conditions are created for female labour in our socialist society. That is why, from being a burden on woman and a factor in the disintegration of the family, it has become in the U.S.S.R. a powerful lever of woman's liberation and of the reconstruction of the family on a new socialistic basis.

The function of socialist society in changing and freeing women has been clearly demonstrated by the remarkable spontaneous movement of the wives of the engineers and technicians.¹³ This movement has led a whole army of Soviet women out of the narrow confines of the household and has contributed their useful and valuable energy to the powerful process of socialist construction.

Since the days when the matriarchate disintegrated and the leading rôle in the family and in society passed into the hands of man, woman has constantly and throughout the history of class society been the oppressed and exploited sex. Throughout the whole of human history the working woman has been bent under the weight of a double burden, has been the object of a twofold exploitation: both as member of an enslaved and exploited class and as an enslaved and exploited member of society—the instrument of child-bearing and the "chief servant".

The bourgeoisie which has always tended to establish as "eternal" and "natural" the social relations from which it profits, makes great efforts to produce ideological excuses and justifications for the place occupied by woman in the capitalist system: the whole of bourgeois philosophy is permeated with an exploiting, slave-driving attitude towards women. I need

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"legal heir" ; the wife regards the husband as the "provider", the guarantor of her economic well-being and as one who gives access to higher rungs in the social ladder.

In the Soviet Union social conditions are such as to make it impossible for the family to arise on this "cash down" basis on which the bourgeois family arises, rots and disintegrates.

We have no slavish economic dependence of woman on man. The Soviet woman who wants to create comfortable and civilized living conditions for herself knows that the only way of doing it is through active and persistent personal work for the construction of socialism, that in our country equal possibilities are open to all citizens for self-sacrificial heroic labour which earns men and women renown and the respect and care of government and society. The social position of every citizen of the U S S R. depends exclusively on his or her personal work, ability and knowledge. To the Soviet woman the behaviour of the "honest woman" of bourgeois society whose outlook V. I. Lenin has aptly characterized in the words "No one shall swear that I do not marry for love him who will pay most for me",¹⁴ is an alien and hostile thing.

In the Soviet family husband and wife are not the business agents who seek in marriage mutual economic advantages : they are united by personal affection, friendship, the bringing up of children and their common work in socialist construction.

Such is the decisive difference, of historic significance, between the disintegrating family of capitalist society and the new-born family of socialist society.

The fact that the bourgeois marriage is conditioned by economic considerations, that capitalist society sets up its family on a basis of economic agreement, leads to the banishment from this family of the personal feelings of love and affection as predominant factors in family and marital relations. The shrewd calculation of the business man has driven the emotions of love from the bourgeois family, whose bonds, as Marx puts it in the *German Ideology*, are boredom and money. The bourgeois family is the setting for commercial deals, middle-class respectability and hypocrisy which serve to hide its real character from the eyes of others. Fourier knew its real character well when he said that, just as in grammar two negatives make one positive, so in family morality two prostitutions make one virtue.

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people of different nationalities have become a familiar aspect of Soviet life. And there is no need even to mention the vanishing religious prejudices which might obstruct a union of lovers.

All the turnpikes that in exploiting class society bar the way of lovers have been removed in the Soviet Union.

In socialist society the great emotion of love which ennobles and enriches man, is freed from the fetters of private property and naked financial calculations. It is not mutilated, pursued and made contraband, it has a chance to develop and blossom. The interests of private property, the supreme dictator of capitalist society, hold love imprisoned and thus cut it short, mutilate and stunt it. Socialism sets the powerful emotion of love free from the captivity of the interests of private property.

Herein lies the great and fundamental difference between the influence exercised by love in the marriage and family relations in a class society of exploitation and the same influence under socialism. In a society which bases its family on economic calculations individual love, with few exceptions, develops outside the family and in spite of it. Under socialism the family is based on personal affection, on love, and thus plays an affirmative, encouraging part towards love. Speaking about courtly love in the Middle Ages, Friedrich Engels made a very apt remark: "It is a long way from this love which tends to destroy marriage to the love which leads to marriage."²⁰ It is the way from class society based on private property and exploitation to the classless socialist society in which all causes of the exploitation of man by man are destroyed.

The revolution of the proletariat, the victory of socialism destroy the economic bases of the hypocritical monogamy of the bourgeois—the passing on by inheritance of private property and of its core—of the means of production. With the means of production becoming national instead of private property, the hypocritical monogamy of the bourgeois comes to an end, the end of that thoroughly prostituted 'legal' form of family and marriage relations, saturated with bigotry and profligacy, which alone is recognized by the capitalist State.

The revolution of the proletariat and socialism put an end to that degrading position in which the wife "differs from the ordinary prostitute only in that she hires out her body not by the hour, like a daily woman, but sells it once and for all into constant slavery."²¹

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some five years ago remnants of capitalism survive in our economy and particularly in the minds of the people. 'But can we say that we have already overcome all the survivals of capitalism in economy?' Comrade Stalin asked at the Seventeenth Party Congress. No we cannot say that. Even less can we say that we have overcome the survivals of capitalism in people's minds. This we cannot say—not only because people's awareness in its development has not caught up with their economic position but also because we are still surrounded by capitalists who are trying to revive and support the survivals of capitalism in the economy and in the minds of the people of the U.S.S.R. and against whom we the Bolsheviks must keep our powder dry. ¹¹

Among some strata of the Soviet people—among the backward section—we still find to a greater or less degree survivals of the private property psychology of the exploiting tendencies of coarsely egoistic behaviour of a caddish attitude towards women a criminal attitude towards children etc. These survivals in the realm of marriage and family relations are highly viable. As Engels said in a famous statement new relations between the sexes will be established only when a new generation of men and women has reached maturity a generation which has never based its relationships on anything but love. This generation has already been born it already exists in our socialist society—in its midst the new family about which we spoke above is already taking shape.

The task of the socialist education of the workers has not of course been completed. A considerable number of survivals from the old society still remain.

Let us examine in detail how these traditions manifest themselves in our Soviet life.

We have shown above how powerful a force Soviet women represent in the construction of socialism what great creative abilities they manifest in all branches of this construction. And yet not all survivals of a disparaging attitude towards female labour have been fully removed from our life. It happens quite frequently that a woman appointed to a highly skilled and responsible job meets with the opposition of some of the workers who have not yet overcome the suspicion of female labour which they inherit from capitalist society.

There is need for an active struggle against the criminal

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²⁴ Stalin, *The Problems of Leninism* (10th edition) pp. 37-82.

responsibilities for children and evade one's duty to bring them up, like the evasion by the children of their duty to help their old parents, is a grave offence in the socialist State which must be combated by means of compulsion and State reprisals. Furthermore, Soviet public opinion must be mobilized against those who stain the beautiful and joyous life of the socialist society by caddishness and vulgarity inherited from the system of exploitation.

The disgusting attempts to disguise a bourgeois attitude of exploitation in the relations of the sexes, by causing it to masquerade in quasi revolutionary phraseology, should be firmly derided with

These attempts are reflected in the literature of the period. "We have no love—we only have sex relations," declares one of the Romanov heroines. "And those who seek in love something more than physiology are looked upon with contempt, as though they were mentally deficient and ill."

"We do not recognize love!" exclaims a Komsomol in Gumilevsky. "That is just a bourgeois trick which stands in the way of work." While the Zhenya drawn by A. M. Kollontay in one of her sketches announces: "Sex life for me means purely physical pleasure—I change my lovers according to my moods. Now I am pregnant, but I don't know who the father of my child is and I don't care."

A certain section of Soviet youth fell under the influence of such crudely animal, anti-Marxist ideas during the years of the N.E.P. (New Economic Policy). This has been shown by a number of observations of the sex life of the young made at the time (Helman, Lass, and others).

Some of the advocates of petty bourgeois debauchery tried to pass off all these ideas about marriage and love as the last word in Marxism. In reality they represented the eruption of those primitive pseudo-communist, private-property attitudes with which the founders of scientific communism already had to contend. "The collective here still retains a private-property outlook on the world," Marx and Engels declared. "This movement which tries to oppose private property by communal private property is reduced to a completely animalistic level where to marriage it opposes common ownership of women, where woman for them thus becomes everybody's property." It can be said that this idea about the common ownership of women lays

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The great number of grave family conflicts which occur under these circumstances are to be explained by a criminally irresponsible attitude regarding both the entering upon marriage and divorce.

Cases are not rare in which marriage is the result of the so-called "casual encounter", without sufficient acquaintance. The element of "calculation", of a sort of careerism in the concluding of marriages has not been completely eliminated from our life.³⁰

Frequent divorces are the result of such marriages. Facts like these go to show that there is no proper understanding for the great and serious rôle the family plays in our socialist State. A person who breaks up a marriage with the same ease with which he jumps off a tram (boarded it by mistake, finds it is the wrong number and changes) acts as a disrupter of socialist community life. The breaking up of a family means in the overwhelming majority of cases that children are left without adequate care and the necessary educational influence or that this care is borne by the mother alone. The young Marx, in his article "The Project of the Law on Divorce", said of those who ignore this fact that "they think only in terms of two individuals and forget the family. They forget that almost every broken marriage is a family broken up."³¹ The socialist society cannot remain indifferent to such phenomena, for it is not the "private affairs" of two individuals that are concerned but the fundamental interests of society.

The dictatorship of the proletariat has put an end once and for all to that vile institution of capitalist society—compulsory monogamy for life. The great proletarian revolution has torn the rusty chains of the indissolubility of marriage: it has freed people from the necessity of floundering in the mire of divorce as they do in the capitalist States. In the U.S.S.R. no one can force people who no longer love each other, who no longer have anything in common, to continue to live together. Tragic conflicts of the type immortalized by Leo Tolstoy in *The Living Corpse* are unthinkable in the Soviet State.

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during the discussion of the project there were many demands by working women for extending the legal responsibility for the child to the mother also. These demands show to what an extent Soviet woman feels herself the equal of man in her rights and how her civic consciousness has grown.

Nor can the Soviet State ignore an irresponsible attitude towards abortion. In capitalist countries the overwhelming majority of abortions, apart from the cases in which it is prompted by medical reasons, are conditioned by the social and economic circumstances in which the broad masses of the people live. They are conditioned by a woman's dread of bearing an "illegitimate" child and of experiencing, for herself and for the child, all the weight of bourgeois public opinion and capitalist law. It is conditioned by fear of 'extra mouths' in the family and of a deterioration in an already difficult financial position. It is conditioned by the threat to the working woman of being forced to leave off productive work as a result of having a child, the burden of whose upbringing and education falls upon her alone. It is conditioned by the general uncertainty about to-morrow which marks the lives of the broad masses of the workers in capitalist States, with their crises, their unemployment, their pauperization and prospects of war. It is not surprising that for a mother to kill her "illegitimate" infant is a common occurrence. Striking illustrations of the inhuman conditions created by the capitalist State for "illegitimate" children and for their "criminal" mothers can be found in the pages of such works as that story by the young Polish writer, Wanda Wasilevskaya, *The Shape of Day*, and the French writer Henriette Vallés sketch *Madame Goua*. They give a truthful account of one of the most disgusting aspects of the vile family law of the bourgeoisie and of its base and hypocritical morals.

All this drives a woman to abortions which cripple her organism and lead to its mutilation. Its compulsion is so great that all the prohibitive and repressive measures of the fight against abortion—all the penal laws—like the notorious § 218 of Weimar Germany—all the barbarous terrorist methods used by the Fascists lead nowhere. All they do is to drive abortion underground, into conditions where it is at its maximum of harmfulness and sometimes entails fatal results.

That is why the Bolsheviks have always been convinced opponents of the brutal police method in combating abortion. They have pointed out that the proletariat is bound to demand

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But once the victory of socialism had created the necessary conditions, once the State was able to surround mother and offspring with a care and attention unparalleled by any other country in the world, a possibility had been created of putting an end to the abortions which were crippling hundreds of thousands of Soviet woman citizens and depriving the country of its posterity. Seen in this light, the prohibition of abortion becomes an effective and real element in the abolition of abortion. The government's law project of May 25, 1936, saw the problem in this light. As is known, the law project introduces legal punishment not only for those who perform abortion and those who submit to it, but also—and this is particularly important and does not exist in any other legislation—for those who induce a woman to abortion.

The stern legislative struggle against abortion must be combined with a widespread organization of public opinion on the matter.

If we have dealt in detail with the negative aspects of family and marriage relations this is by no means because these are prevalent in the Soviet family. On the contrary, they play a very minor part in it. But however insignificant these manifestations of capitalist survivals in sex relations, they are not to be tolerated in our Soviet life. Even though the exponents of these survivals form an insignificant minority, their numbers are yet large enough not to be passed by but to be ruthlessly combated. The increased attention which is lately being paid in the U S S R to the struggle against all sorts of traditions of exploitation in family life is to be explained not by any strengthening of these traditions, but by the fact that they are now in striking opposition to the whole socialist system of our State in which socialism has become the social form of existence of the multitudes. A society with a socialist culture, a society of proletarian humanism, cannot reconcile itself to survivals of capitalist hoggishness in so important a realm as family relations. It thus endeavours to eradicate them by every means.

An undoubted purification and fortification of the Soviet family during the first and second Five-Year Plans has been the result.

Numerous facts go to prove this purification and strengthening of the Soviet family. The most important of these is the rise in the birth rate and the decrease in infant mortality. The U S S R has a very high natural increase in population, both

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millions at the end of 1930 to 168 millions at the end of 1933 " 27 The comparison of the rate of natural increase of the population in the U S S R (23.7 per 1,000) with the corresponding figure for Tsarist Russia (16.8 per 1,000) is instructive. It is no less interesting to note that while for the period 1928-32 the average rate of annual increase in the U S S R was 1.5 per cent, the corresponding figure for Italy was 0.7 per cent, for France 0.5 per cent, for Germany 0.4 per cent and for Great Britain 0.3 per cent.

These data show convincingly how socialism makes for healthy and strong families and that as a result of this the population of the Soviet Union is growing at a speed and on a scale unheard of and impossible in any capitalist country. The experience of the Soviet Union has provided tangible evidence for a well known statement by Engels to the effect that humanity is capable of a higher rate of reproduction than bourgeois society permits. As is known, Engels considered this fact to be "yet another reason" for the assertion that bourgeois society is an impediment on the road of human progress which must be removed from this road.

The entry of the U S S R into the period of socialism has led to a definite strengthening of the Soviet family.

The creation of conditions for effective equality between men and women—not only in the legal but also in the economic sense, the increase in the number of establishments for the protection of children and for child education, the collectivization of agriculture which has brought about the liberation of woman from that dependence to which she was condemned by the individual farm, the great cultural progress of the Soviet people, the appearance of a whole host of heroes of socialist labour—from the first columns of shock workers to the powerful movement of the Stakhanovites, the birth of the new socialist Man—this is the setting in which Soviet public opinion was mobilized against ugly abuses of the possibilities for the dissolution of marriage allowed by our law, against primitive and anarchoist treatment of the new sex morality, and also against all manner of survivals of exploitation and oppression in the family.

The vanguard of Soviet youth have grasped how great and responsible a factor in socialist society the family is, how serious a social crime it is in our conditions to behave irresponsibly towards marriage and divorce.

" Stalin, *Foundations of Leninism* (10th edition) p. 52.

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Assertions that socialism leads to the extinction of the family are profoundly mistaken and harmful.²² They only help those exponents of the survivals of capitalism in the minds of the people who attempt to hide their acts of exploitation behind an empty "leftist phrase."

The family does not become extinct under socialism—it grows stronger.

(b) From V. Svetlov, *Socialist Society and the Family*

The great socialist October Revolution began the complete and final liberation of women.

In our country alone, in the country of victorious socialism, women enjoy complete equality of rights in all branches of social and everyday life. In no capitalist country do women enjoy even formal, not to speak of effective, equality with men.

In our socialist country alone woman enjoys the profound respect and the full protection of the law.

In view of the importance of this question, a special point dealing with the equality of women has been introduced into the project for the new constitution of the U S S R on the initiative of Comrade Stalin. Article 122 of the draft Constitution says:

Woman in the U S S R has equal rights with man in all branches of economic, cultural, social and political life.

The implementation of these rights of women is assured by granting women the same rights as men to work, to pay, to holidays, to social insurance and education by government protection of mothers and children by allowing women holidays with pay during pregnancy, by a wide network of maternity homes, children's crèches and kindergartens.

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that the parents are "freed" from their responsibility for bringing up the children, etc. These anti-Marxist ideas were in reality merely an advocacy and justification of sexual debauchery and of a caddish attitude towards woman, mother and child.

. . . The great socialist October Revolution left not a single stone undemolished of those former laws which established the inequality of women in the family and in society.

From the very first months of the Soviet administration, working woman was endowed with equal rights in all spheres of social life. The laws which made the wife subordinate to the husband were abolished. Soviet legislation established complete equality of rights in the family between husband and wife. Soviet legislation provided freedom of divorce, made *de facto* marriage equal to registered marriage, abolished the idea of "illegitimate" children and liquidated inequality with regard to children.

Such are the main measures promulgated during the first period of the dictatorship of the proletariat for the liberation of women and for the creation of a new life and a new socialist family. Lenin considered all these measures to be only a first step.

"The second and main step", he wrote, "is the abolition of private ownership of land, factories and works. In this way, and in this way only, the road to the complete and effective liberation of women can be opened, their liberation from 'household slavery' by means of converting the small, individual economy into a large, communal one." "

The complete destruction of *de facto* inequality between women and men and the creation of new relations in the family is not a self-contained task: it can be solved only when the fundamental political and economic problems of the dictatorship of the proletariat have been solved. Private ownership of the means of production, private economy and household prevent woman from making full use of all the rights to which she is entitled under Soviet law. The liquidation of the exploiting classes, the establishment and complete sovereignty of socialist ownership and the participation of women in socialist communal production provide the political and economic foundations for the achievement of effective equality between the sexes. Drawing women into socialist communal production is one of the chief means of bringing about their complete and real liberation.

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The women peasants of the U S S R, like the women workers and employees, were men's equals in politics and law from the very first days of the socialist October Revolution. But as long as individual and private peasant smallholdings existed on the land, the women peasants were still in a certain economic dependence on the men, "the masters of the house", and there was consequently no real equality between woman and man in the family. The victory of the collective system on the land and the drawing of the women peasants into socialist construction made them economically independent, made them free socialist toilers, active and conscious builders of socialist society.

Thus the creation of the new family relations based on complete and effective equality of the sexes and their economic independence became possible only in connection with the general successes of socialist construction, in connection with the victory of socialism in the towns, in connection with the victory of the collective farm system of socialism on the land.

The decisive material conditions for the new socialist family—the nationalization of the means of production—has already been brought about both in the towns and in the villages.

Thanks to the victory of socialism, women in the U S S R are already to a large degree free and are being progressively liberated from household work by the far flung network of restaurants, crèches, children's homes, etc. The "housewives" are being increasingly drawn into the social, political, productive and cultural activities of our country.

The victory of socialism, the complete sway of socialist ownership in the U.S.S.R. and the participation of women in socialist communal production make for *de facto* equality of the sexes in the family. The economic dependence of the wife, the "housewife", on the husband, the "provider", is eliminated. *Woman becomes independent of man.*

Furthermore, under the conditions of socialist ownership and socialist production, marriage ceases to be an economic contract. The only sufficient motive for entering into marriage is no longer financial calculation, as it was in the past, but personal affection, disinterested love. Marriages can no longer be forced from outside (by parents, etc.), can no longer be the result of match-making. Man and woman enter marriage freely and voluntarily, in accordance with their own personal desires, thanks to the above-mentioned mutual equality.

The women peasants of the U S S R, like the women workers and employees, were men's equals in politics and law from the very first days of the socialist October Revolution. But as long as individual and private peasant smallholdings existed on the land, the women peasants were still in a certain economic dependence on the men, "the masters of the house", and there was consequently no real equality between woman and man in the family. The victory of the collective system on the land and the drawing of the women peasants into socialist construction made them economically independent, made them free socialist toilers, active and conscious builders of socialist society.

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Soviet family depends on the welfare of the whole of society and on the honest, conscientious work of the members of the family in the socialist enterprises and the Soviet establishments. Social ownership is therefore the economic basis for the existence and prosperity of the Soviet family.

In this connection we must not omit a short mention of the mistakes made on this question. Some comrades wrongly think that the individual ownership of articles for personal use (furniture, clothing, motor-car, etc.) is the economic basis of the socialist family.

Certainly, the individual ownership by citizens of their earnings and of articles for personal use is not only not denied under socialism, but is even protected by the State under the Stalin Constitution. But the economic basis of the new socialist family and its welfare is still social ownership of the means of production and the participation of men and women in socialist production which safeguard both the effective equality of men and women and the voluntary marriage based on mutual affection.

As to private property itself, this arises in socialism out of the prevalence of social ownership—it does not contradict it, it is conditioned by it, because socialist ownership is the source of the prosperous and civilized life of the socialist workers.

In this context we must dwell on the problem of monogamy (marital cohabitation of one man with one woman).

Occasionally we encounter the totally erroneous view that monogamy disappears under socialism and that its place is taken by some kind of chaotic, disorganized relations between the sexes. The argument of these comrades runs as follows: Under capitalism the monogamous family is held together by private ownership of the means of production, by the individual household and by the inheritance laws. In our country private ownership of the means of production has been abolished; consequently, they say, monogamous families, too, must disappear.

These highly mistaken arguments ignore the fact that in reality socialism alone creates all the necessary conditions for real—not hypocritical—monogamy. Engels gave a clear and precise answer to this question. In his work on *The Origin of the Family, Private Property and the State* he wrote:

In so far, however, as monogamy is conditioned by economic causes, the question arises whether it would not disappear when these

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The new Soviet marriage does away with this infidelity by virtue of the fact that this marriage is entered into for love, that love continues in marriage.

Engels, who studied the problem of the monogamous family under socialism, emphasized that a "marriage based on sexual love must by its very nature be monogamous" ⁴⁰

But if this love gives place to mutual alienation if "a complete cessation of feeling" appears, there is no need for husband and wife to deceive each other, to be unfaithful to each other, because freedom of divorce under socialism gives these people a chance to separate.

Advocating freedom of divorce, Engels wrote

"All that is needed is to free people from the necessity of wallowing in the avoidable mire of the divorce courts."

But by this defence of the freedom of divorce Engels does not preach the theory of chaotic sex relations under socialism. On the contrary, he opposes it. Nowhere in Engels do we find a defence of the quick, casual and unstable marriage. Nowhere does he say that under socialism marriage between man and woman must be transitory and short lived. Marx and Engels definitely condemn the irresponsible attitude towards marriage, they condemn chaotic sex relations, basing themselves on scientific data, the founders of Marxism established that socialism brings with it a strengthening of monogamy and the formation of a strong and healthy socialist family founded on mutual attraction, on a feeling of reciprocal respect, on a feeling of comradeship.

In the *Communist Manifesto* Marx and Engels strongly attack those bourgeois theorists who degrade the future of communist society, who slander it by asserting that it is characterized by a common ownership of women. Marx and Engels, in unmasking this slander, pointed out that common ownership of women in reality exists under capitalism, where it takes the form of official and unofficial prostitution, but that it will never exist in a communist society.

⁴⁰ *Ibid.*, p. 78.

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Comrade Lagashevich further writes that they soon had a daughter, and that she found things difficult with a small baby

Sometimes, worn out by the sleepless nights, tired with washing, cleaning and worrying, I felt desperate. But my husband helped. He helped whenever and in whatever way he could. Having come home from work he would look after the child so that I could have an hour's sleep and gather strength. We have always found great support in each other. Time passed, the girl grew up and we sent her to the crèche—the most difficult period was over!

Now, on looking back, we both laugh merrily when we remember all this. We laugh in the knowledge that we did not give in to our difficulties, that we are now living well and happily, that we have a strong, healthy child growing up! If you knew what joy it is to take a rest, all of us together, on a free day, somewhere in the open, in a culture park or visiting friends. We go together with our daughter on mass excursions organized by the factory where my husband works. Often we go to the cinema or theatre.

Then Comrade Lagashevich adds that her husband continues to be a leading Komsomol.

I am very happy when I see him among the leading Komsomols and I try to help him as much as I can.

I know that I am responsible for his education. As soon as I have finished my own studies I shall take up work, and he will go and study at the Institute. And I am longing to give him this opportunity. I love him dearly and have faith in him.

From this example we can already see that our Youth are creating a new, joyous and happy family life.

The letter we have quoted shows that there were difficulties in this Komsomol family but they were overcome, thanks to the fact that husband and wife found timely support in each other. Now these difficulties are of the past. The family of the young Komsomols is leading a joyous and happy life.

And here is another example, no less interesting, to show how the new Soviet family is taking shape. (It is taken from the periodical *Rabotnitsa*—'Working Woman'—No. 12, 1935.)

Tidiness always reigns in the two small rooms inhabited by Praskovia Ivanovna Lapokhina, a worker in the Vadzhanov works [in Kalinin]. In the corner by the wash-stand six towels hang on a rack, six toothbrushes and six boxes of tooth powder are lined up. Lapokhina has six children. In 1928 Praskovia Ivanovna buried her husband who left her with three children and a year later she married

¹⁰ *For Love and Happiness in our Family* (A collection of letters published by the *Kommunisticheskaia Pravda*), pp. 84-5. *Iskrednaya Gazeta*, 1935.

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The wife of the worker N. A. Kuznetsov wrote in *Rabotnitsa*

We must help our husbands, fathers, sons and daughters to become Stakhanovites. We must live for their interests and help them to put into effect the suggestions of the great Stalin, help them master the technique and heighten the productivity of their work. This we can do by taking constant care of our relations. Friendship and peace at home, comfort, sensible entertainment, cleanliness and tidiness everywhere, well brought up children—these will help to keep up the spirits of our relatives, will help them to work and study in peace and with redoubled energy. The Stakhanovites' wives cannot remain uneducated, undeveloped—we, too, must learn. Some may ask: When? Here we must approach the matter in Stakhanovite fashion. We must arrange our work in such a way that we have time for everything—for housework, for study and for rest.”

We must not think that the task of the housewife consists only in creating a happy family background for her Stakhanovite husband. The facts disclosed at the recent conference of the wives of the leaders of heavy industry have shown how much a housewife can do once she takes part in social affairs. The housewives of yesterday, in the old sense of the word, who were often politically backward and whose life used to pass within the narrow confines of family cares, have become to-day, as was said at this conference, “not only housewives, but the housewives of our country.” They have stepped out of the limits of the narrow family hearth and become participants in the cultural construction of our country.”

As a result of this, the wives of the leaders of heavy industry say: “The large world of interests in which our husbands live has become ours, too.”

It is true that so far we are witnessing only the beginning of this movement of the housewives. It should embrace thousands and millions of the wives of Stakhanovites, shock workers and of the rank and file of workers.

But even at this stage it would be wrong to think that only a few wives of the leaders of heavy industry are being drawn into the social life of our country. We have cases where workers' wives who are occupied with housework play an active part in the country's social and productive labour and cultural life. There is Valentina Petrovna Lyakhova, a housewife who attended the first Stakhanovite conference. The wife of a timberer in the Budyonny mine No. 21, she organized the housewives to aid

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foamed and the child was born at the bench. And after the confinement—back to the bench. What could be more terrible than for a mother not to be glad to have her child?—and there used to be many *women-workers who cursed their children.*⁶⁶

As a result of poor housing conditions, poor food and the heavy and exhausting work done by the pregnant woman, the majority of the babies of working women are born rickety and afflicted with various diseases. Many of these children simply do not survive. In pre-revolutionary Russia, for instance, 50 per cent. of the children died before attaining the age of 5.

The mother in our socialist country is quite differently placed.

To have many children is in the U.S.S.R. not a misfortune, as it is thought to be in the capitalist countries, but a respected achievement which deserves every encouragement and support on the part of the socialist State and society.

Proof of this can be found in the decree of the Central Executive Committee and the Council of People's Commissars of June 27, 1936, which has been discussed, elaborated and approved by the workers of our country.

Under this decree there is a considerable improvement over previous Soviet legislation in State aid to child-bearing mothers. The single aid-grant for one child is increased from 32 rubles to 45 rubles, and the monthly grants from 5 rubles to 10 rubles. Generous financial assistance is granted to large families. For each new child, beginning with the seventh, the family receives 2,000 rubles annually for five years. And beginning with the eleventh child, the family receives a single payment of 5,000 rubles and 3,000 rubles annually for the next four years.

Apart from these measures, the decree strictly prohibits any refusal to employ a pregnant woman or the dismissal of a woman-worker by reason of pregnancy. Managers and administrators must keep the pregnant woman employed and transfer her to lighter work with the same wages.

The huge development of the network of maternity homes and confinement centres which is outlined in the above-mentioned decree is further evidence of the great help the State gives to the mother. The doubling of the number of crèche beds both in urban and rural centres, the introduction of double-shift work in urban crèches and the trebling of the existing network of stationary kindergartens in towns, factory settlements and railway transport centres, together with a further development of kinder-

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An ever-greater participation of women in social productive labour under the conditions of socialism not only does not lead to a decline in the birth rate, but on the contrary increases it and lowers infant mortality, as is shown by the experience of the U.S.S.R.

To what do we owe the rise in the birth rate and the fall in infant mortality in our country? To the victory of socialism, which guarantees the increased welfare of the workers of our country. The woman who becomes a mother is not threatened with unemployment. Our Soviet legislation protects the interests of mother and children in every way.

Even during the first years of the proletarian revolution, during the years of the Civil War, Lenin asked our distributing organs to protect the interests of mothers and children in every way by allowing them larger rations and by giving children priority in milk, which was in short supply and so on.

Comrade Stalin, a genius in continuing the work of the great Lenin, is likewise devoting much attention to the question of protecting motherhood and childhood, to the question of raising and educating the children. Under his guidance and thanks to his initiative all the measures for the protection of the interests of mothers and children and concerning the education of children before and after school age are being put into effect.

Women workers and employees in our country are given a compulsory two months' leave before their confinement and two months' leave after their confinement.

Women collective farmers likewise benefit greatly. Whereas previously, under the individual farm system, peasant women often gave birth in the open field, nowadays under Stalin's model statute for the *kolkhozes*, the female collective farmer is freed from work one month before her confinement and one month after it, and during these two months is paid half her average earnings.

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Up to now the number of children cared for in crèches and kindergartens is not sufficient, though it is increasing apace.

The State's care of the children will grow year by year, just as the productive strength, just as socialism grows in our country.

But does this mean that as socialism gains strength and develops in our land, the parents' obligations towards their children, their parental care for their children will dwindle away to nothing, will be done away with?

This erroneous view was some time ago developed by Comrade Kollontay in her pamphlet, *The Family and the Communist State* (G I Z., 1920) ".

She thought that once the family ceases to be the economic centre, once it is no longer tied to a household, 'the working state of the comrades will conquer the family', in other words, according to Comrade Kollontay, the family will under socialism become extinct and care of the children will pass completely into the hands of the State. The State, in Comrade Kollontay's opinion, "takes over all the functions formerly exercised by the parents" ".

Further on in the same book by Comrade Kollontay we read, "Cares for the children [in a socialist society] are beyond the limits of the family—they are taken from the parents and passed on to the collective" ".

This theory of Comrade Kollontay's is undoubtedly harmful, unwittingly vindicating those parents who do not wish to trouble about their children.

Comrade Kollontay thought that it was possible to relieve the parents of all care of the children, apparently because the family stunted the child and could not produce the new Man. She declared that parents could be freed from having to look after the child even when it was a baby. "Society will feed it, will educate it" " without the participation of the parents.

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The children of our socialist country are not the property of the parents, as is the case in capitalist countries. In those countries the father wields exclusive power over the children and can do with them as he pleases. In our country, on the other hand, the State controls the actions of the parents, has a right to intervene in the educational functions of the family, to prosecute and even to take children away from parents who prove unable to bring up children and who mutilate them, torture them, encourage them to theft and leave them to become waifs and strays.

In examining the rôle of the new socialist family in the education of children, mention must be made of the inadmissible attitude of those fathers who leave the task of looking after and bringing up the children entirely to the mother while they themselves evade this social obligation under all sorts of pretexts. Such wretched parents in fact defend the old bourgeois attitude towards woman, the old attitude towards the family. To-day, in the new Soviet family, mother and father participate equally in communal productive labour, they both live a cultural and community life and they must both care for the child and educate it in the same measure. Both parents must bear the responsibility for the upkeep and education of the children, both parents must look after them.

Recently the question of the so-called "24 hour activists" who, while taking part in productive and social work, pay no attention to the family and the upbringing of the children was discussed in the pages of *Komsomolskaya Pravda*. Letters attacking such comrades were published in the paper.

Comrade Gorshkova in her letter to the paper wrote quite rightly

It seems to me that many "busy husbands" waste time outside their family. If you cannot find time for leisure, it means that you do not know how to work.

What does this mean? you are always busy? Am I not busy? If all the "busy husbands" take no care of the family, the wives, too, may refuse to do so, for they are members of society with equal rights. Do you think the wife does not want to devote all her strength to production and society? The wife, too, will declare that she is busy and will refuse to have children, arguing that this would keep her away from social tasks. Whereupon the family would collapse, and that we do not want " "

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In examining the question of the children in the new socialist family it is necessary to touch on the problem of abortion.

In capitalist countries abortion is a widespread phenomenon in spite of all prohibitions, because the working women, lacking the means for a child's upkeep and enjoying none of the privileges granted to mothers in the U.S.S.R., must decline the joys of motherhood. And if they do have a child, they thereby deprive themselves of the chance to work, since no one will keep them on with the child.

In the capitalist countries the prohibition of abortion is therefore a piece of hypocrisy and a mockery of working women.

In our country, during the first period of the October Revolution, the Soviet government, by its decree of November 18, 1920, gave women the right to have abortion performed, on the ground that the survival of past morals and the difficult economic conditions of the time were still driving some women to this operation.⁶⁷

But this by no means implies that our Party and government are in principle in favour of freedom of abortion. Lenin, in his article *The Working Class and Neo-Malthusianism*, in which he demanded the rescission "of all laws prohibiting abortion" in capitalist countries for being "hypocritical" and because they did "not cure the ailments of capitalism", at the same time opposed abortion in principle, opposed the artificial restriction of the birth rate among the working class. "A class-conscious worker", Lenin said "is infinitely far from this viewpoint."⁶⁸

According to Lenin, class-conscious workers are "the unconditional enemies of neo-malthusianism", a movement made to measure for a hardened and selfish bourgeois couple fearfully stuttering "If only we two could manage, with God's help, but no children!"⁶⁹

Abortions are highly detrimental to a woman's health—blood poisoning after abortion, inflammation of the female genital organs, hæmorrhage, painful menstruations, and, most terrible for

⁶⁷ Cf. the decree of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R., on the prohibition of abortions, etc., published in *Pravda*, June 28, 1926 (above p. 20 [R. 2]).

⁶⁸ Lenin, *Works* Vol. XVI p. 473.

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relations between man and woman. What are these survivals, and how do Soviet society and legislation combat them?

One of the most disgusting and detrimental survivals of the old society in the family is the criminal attitude towards wife, mother and child.

There have been many instances quoted in our periodicals of an unworthy, caddish attitude towards woman and child. We have not yet quite got rid of the "classical" type of cad who preaches the following morale: "Marital union is a muzzle" or "I am not going to get married—there are enough foolish girls to last me a lifetime." One exponent of such ethics was Dr Korolev who worked at No. 2 Construction Plant. This doctor lived with several women simultaneously, derided them and forced them to undergo abortions. As a result of Korolev's roughness and derision one of the women committed suicide."

We still encounter in our country the contemporary type of Don Juan whose proposals to women run on these lines: "Let us first live together for a few days, come to know each other, and then we will make up our minds about marrying." And if a girl is credulous enough to accept the offer of this cad after many doubts and hesitations, then, after a few days, the scoundrel throws her out and makes a similar offer to another girl. A similar type is represented by Ivanov, engineer at the Electro-Combine, who managed to have five wives in a short space of time. *Rabotnitsa* (No. 22, 1935) quotes the case of a scoundrel who had sixteen wives!

Cases of men living with several wives are to be classed as survivals of the traditions of bourgeois society. There was the drunkard Artemov (of the Dyedovskaya Works) who circulated among three families (*Pravda*, August 11, 1935).

And how many alimony suits are heard in our courts of law! There are still many "fathers"—if, indeed, they can be so called—who do not think it necessary to pay alimony after divorce for the upkeep of children remaining with the mother. These criminal fathers travel from town to town and cover up their traces in every way in order to evade the payment of alimony for their own children.

One cannot read the following letter by the girl Zina Trofimova without a profound feeling of indignation.

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Of particular importance is the fact that the new decree greatly increases the penalties for failure to pay alimony. The previous maximum of six months' compulsory labour,¹⁶ has been raised to two years' imprisonment.

All this goes to show that our socialist country, our socialist State will not tolerate the old contemptuous attitude towards mother and child. It has been combated and will be combated in future both by means of stern repressive measures and socially. One of the weapons in the fight against profligates and alimony defaulters is the daily press, which pillories the caddish faces of these people for all the citizens of the Soviet land to see. The fathers who are not prepared to care for their child and the profligates must be deprived of society's esteem. They must be surrounded with an atmosphere of social intolerance. In this way alone can we rid ourselves of what is rotten and of the past in our family relations.

We should add here that there are other reasons for divorce, apart from loose living. Data from a survey of some hundreds of alimony suits and from observations of 2,000 married metal workers, made by the Central Institute for the Protection of Motherhood and Childhood of the R.S.F.S.R. (*Izvestia*, August 9, 1935), showed that more than 20 per cent. of marriages are concluded as a result of one month's acquaintance. This proves that one of the reasons for divorces is the frivolous attitude to marriage among some of the workers of our country. It is true that an examination of marriages entered into during the years before the Revolution will show us that 53.9 per cent. of all marriages entered into were the result of an acquaintance of less than a month.

But whereas this high percentage was in those days explicable by the fact that marriage was then an economic contract of sale and purchase, in our own days, on the other hand, a figure as high as 20 per cent. is evidence of an unhealthy phenomenon in our life.

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Sharply attacking the so-called theory of "a glass of water", Lenin went on :

" I consider the famous theory of a ' glass of water ' completely non Marxist and, what is more, anti social. Sex life consists not only of what nature has provided, but also of that which has been contributed by culture, be it lofty or base. Would a normal man under normal conditions lie down in the filth of a street and drink out of a puddle ? Or even out of a glass soiled by scores of mouths ? But the most important factor is the social one. Drinking water is indeed an individual affair. But in love two people take part and from it a third, a new life, arises. It is here that the social interest comes in and a duty towards the collective emerges " 21

Recent surveys of family life have shown that the overwhelming majority of the toilers in our country take marriage seriously. The great body of class-conscious toilers who realize their full responsibility before society for the marriage entered into and the children to come is growing daily. And there are ever fewer people who prefer a frivolous, short lived liaison to marriage. It is the duty of society in every way to aid the new family to become strong, ruthlessly thrusting aside everything that stands in the way, that pulls us back.

The fact that a large proportion of the morally unstable are to be found among the more adult sections of the population of our country is to some extent due to the fact that some grown up persons, having come out of a bourgeois society, have not rid themselves of the old bourgeois attitude to women, that they regard woman as a toy with which they can play and which they can discard. The roots of any looseness of sex relations must consequently be sought in the existence of survivals of capitalism in family life, in the tenacity of the old bourgeois attitude to women, in the irresponsible treatment of children.

Among the more disgusting survivals of bourgeois society are cases of husbands beating their wives. Previously, under Tsarist rule, there were even proverbs justifying the beating of wives. " Beat your wife before children come, beat your children before people come ", or " Beat your wife before dinner, and do not sit down to supper without a beating ". To-day all this has an anachronistic ring, and all those who still try to insult woman by action are all the more ripe for social contempt and most severe punishment.

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One of the evils of a capitalist society is prostitution. The October Revolution dealt a severe blow to prostitution but to put an immediate end to it was impossible. During the first years of the N.E.P. it was widespread in many places in our country.

By the victory of socialism the economic roots of prostitution in our country have been completely eliminated—the absence of unemployment, the progress in woman's material independence, the collectivization of the village, the large scale participation of women in social and productive work, equal pay for male and female labour, the rise in women's cultural and political standard—all this destroys every excuse for prostitution.

We have enumerated a number of capitalist survivals in family relations.

We must not think that these survivals will disappear by themselves, of their own accord. A constant struggle is required against these remnants of the past, efforts of education and enlightenment are called for in this connection.

In speaking about the struggle against the survivals of the old society in the sphere of marriage and the family, we cannot pass by all the perversions to be found in our literature on the subject.

We have before us a book by Comrade Wolffson *Sociology of Marriage and the Family* written in 1929.

This book contains a number of indisputable and valuable theses. Comrade Wolffson is for instance quite right when he makes a change in the economic structure of society a condition for a change in the family.

But in this book of Comrade Wolffson's there are some crude mistakes and misinterpretations of the classics of Marxism and Leninism on a number of matters of principle. It is true that Comrade Wolffson has disowned the ideas he put forward in his former book."

Attaching great importance to the question of the family under socialism we consider it necessary to dwell on some of the crude mistakes contained in Comrade Wolffson's book.

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Comrade Wolffson is far from being unique with his theory of the disappearance of the family under socialism. The same completely false point of view is put forward in a number of works by Comrade Kollontay.

So early as 1920, in her pamphlet *The Family and the Communist State*, Comrade Kollontay wrote that the family is doomed to ruin—"the family ceases to be necessary" (p. 20). Like Comrade Wolffson, she sees the reason for this in the fact that the family ceases to be an economic unit, that parental care for the children appears to end, that society undertakes the full responsibility for the children's education, etc. We do not wish to repeat ourselves, and will therefore abstain from refuting all these arguments of Comrade Kollontay's, in so far as they coincide with Comrade Wolffson's arguments which we have already criticized.

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Later, the 1918 Code of Laws on Marriage, Family and Guardianship laid down that "Only civil marriage, registered with the civil registration authorities, gives rise to the rights and duties of spouses as set down in this section. A marriage concluded according to religious rites and with the ministrations of the clergy does not entail any rights or duties for the persons concerned unless it is registered after the established form. A subsequent circular issued by the People's Commissariat of Justice (No. 74, June 21, 1924) laid it down that Church marriages entered into after December 20, 1917 in localities in which the Soviet power was established later than this date as well as in localities where the civil registration authorities temporarily suspended their activities as a result of the occupation of these localities by the Whites, acquired equal validity with registered marriages.

In thus establishing civil marriage as the only legal form of creating a family, the Soviet legislature as early as 1917-18 opposed it to Church weddings which before the socialist October Revolution were alone considered legal in Russia.

While opposing civil to Church marriage, the legislator made the conclusion of the former subject to definite formal conditions in the form of compulsory registration. Registration of a marriage is indisputable evidence of its existence and is the best means of protecting the personal and property rights and interests of spouses and children. And in the intention of the 1918 legislation registered marriage alone was legally binding.

In 1925-6 after the revision of the family legislation the problem of marriage registration was put somewhat differently. Since at that time the rights of children born outside wedlock were not always acknowledged particularly by the prosperous peasants the Soviet legislator concentrated on safeguarding the interests of mothers and children in the struggle against the *kulaks*. In this connection a change took place in the attitude towards the problem of registration. The Family Codes of the Union Republics which became law in 1926-7 made not only registered marriage but also the so-called *de facto* marriages legally binding. The corresponding articles in the Family Codes of the Ukrainian S.S.R., the Turkmen S.S.R. and the Uzbek S.S.R. were, to a certain extent, exceptions. The fundamental thesis of the previous Code—that only civil marriage registered with the civil registration authorities gives rise to rights and duties—which had been prompted by the need to combat the

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registration and therefore demanded that it should be made compulsory. This demand came chiefly from those who opposed the recognition of alimony rights for children born outside wedlock. Others, on the contrary, advocated the complete rescission of marriage registration, holding it to be "incompatible with the liberty of the citizen" under Soviet law which, they argued, was not affected by the form of marital relations between the parties. Such were the importunities of those who, under the disguise of the leftist slogan of "non-intervention" on the part of the government, strove to drive the latter to abjure all regulating influence on the everyday relations between citizens. Brushing aside both these extreme points of view, these two importunities, the Soviet legislator treated the registration of marriage in the Family Codes of 1926 and of subsequent years as evidence of the formalization of marriage, while at the same time not refusing his protection to those relations which result from non-registered, *de facto* marriage.

At present, the discussion of the meaning of marriage registration is again topical in connection with the elaboration of the Project for the Civil Code of the U.S.S.R. and a component part thereof—the section of Family Law. Once again, voices are being raised in favour of the constitutive effect of registration (cf. a lecture by Y. F. Mikolenko on *The Systems and Basic Principles of the Project for the Civil Code of the U.S.S.R.*, delivered at the Congress of the All-Union Institute of Juridical Sciences in Moscow, January 1939, § 20). On the other hand, arguments are being raised in favour of recognizing *de facto* marriage (cf. the minutes of the discussion following Comrade Mikolenko's lecture).

An appeal by the legislator to the conscience of the Soviet citizens, pointing out the importance of marriage registration for Soviet society and the State and allowing registered marriage a fair number of advantages over non-registered marriage, would undoubtedly produce a better result, in the sense of a considerable decrease in the number (but not the disappearance) of *de facto* marriages, than the wholesale and categorical prohibition of these marriages by law.

It seems expedient that the future Civil Code of the U.S.S.R. should in the main preserve the principles underlying the Codes of 1926 and of subsequent years. However, for the sake of the struggle against the frivolous approach to marriage, the legislative ruling on the question of registration should, in the corresponding

registration and therefore demanded that it should be made compulsory. This demand came chiefly from those who opposed the recognition of alimony rights for children born outside wedlock. Others, on the contrary, advocated the complete rescission of marriage registration, holding it to be "incompatible with the liberty of the citizen" under Soviet law which, they argued, was not affected by the form of marital relations between the parties. Such were the importunities of those who, under the disguise of the leftist slogan of "non-intervention" on the part of the government, strove to drive the latter to abjure all regulating influence on the everyday relations between citizens. Brushing aside both these extreme points of view, these two importunities, the Soviet legislator treated the registration of marriage in the Family Codes of 1926 and of subsequent years as evidence of the formalization of marriage, while at the same time not refusing his protection to those relations which result from non-registered, *de facto* marriage.

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the form as such and of itself has no decisive significance when the existence of marriage is concerned. The essence, the tenor of marital relations, is much more important.

Relations are marital not merely because they are formally recognized by the law, but owing to their very essence which corresponds to the conception of marriage and does not conflict with the regulations of socialist community life.

It is impossible, therefore, to disagree with the statement of the Council of People's Commissars of the R S F S R, of October 26, 1934, according to which the main thesis that "*de facto* marriage is a decisive factor" must be borne in mind when the question of the existence of a marriage is being decided.

Any other approach, opposing the recognition of *de facto* marriages at all costs, by whatever considerations it is motivated, would revert to the standpoint of bourgeois law which is, of course, inadmissible from the point of view of Soviet law, of its meaning and spirit.

For this it is sufficient to quote the following main line of argumentation of those most eminent French scholars in Civil Law, Planiol and Ripert, who, not unlike other bourgeois scholars in Civil Law, sharply attack any admission of *de facto* marriage and who declare war on the principle *pour fait*. "A free union (*de facto* marriage) is an important factor through the unrestricted freedom the parties gain in their position outside the law. This extreme freedom is incompatible with the existence of the family which it creates. It goes against the interests of each of the parties who may to-day or to-morrow be abandoned in need and illness by the one from whom they have received support for many years. It goes against the interests of the children who risk being neglected materially and morally while they should grow up in conditions of continuity and stability. It also goes against the interests of the State itself, since it is to be feared that the instability of their union might force the parties to rid themselves of their most difficult obligations, namely the children. Experience has shown that illegal marriage produces a smaller increase in population than legal marriage."

Essentially similar arguments can be heard from some contemporary Soviet lawyers who oppose the legal recognition of *de facto* marriages on the pretext of a struggle against the same "unrestricted freedom" of these marital cohabitations which apparently is under all circumstances a terrible menace to

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It is a problem which closely affects society at large and the interests of the State where it concerns the third party, namely the children whose interests have to be safeguarded and protected against the irresponsibility of the parents of casual marriages.

It is precisely for this reason that this question cannot be decided without the active participation of the State, which, by registering people's marital relations, directs them towards a further stabilization of the Soviet family as one of the important bases of the socialist system.

A few words about non-registered (*de facto*) marriage and its legal consequences. Non-registered marriage is legally acknowledged in the Family Codes (R.S.F.S.R., arts. 11 and 16, Byelorussian S.S.R., arts. 22 and 26) as entailing community of property acquired by the spouses during marriage and a right to alimony both during the marriage and after its cessation. Court practice has extended the rights of persons who are in a state of non-registered marriage, beyond the limits set down in the Family Codes, by treating them like parties in a registered marriage in regard to the rights of inheritance of the surviving spouse.

The Georgian Family Code (art. 18) makes non-registered marriage equal to registered marriage in connection with the rights of the spouses to property acquired during marriage and also in connection with the right to alimony (art. 21). And the Family Code of the Ukrainian S.S.R. leaves it to the court to decide, on the merits of each individual case, the rights of parties in a non-registered marriage to alimony and property acquired during marriage.

Article 105 of that Code, to the effect that "marriage is subject to registration with the public Registrar" and that only "registration with the public Registrar is indisputable evidence of the existence of marriage unless it is rejected in court" has left it an open question for legal literature and court practice whether the legislation of the Ukrainian S.S.R. recognizes non-registered marriage. The majority of lawyers gave a negative answer to this question. Court practice during the first years after the promulgation of the Family Code of the Ukrainian S.S.R. took the same point of view; and the Kiev court, for instance, for a long time refused to hear alimony suits brought by so-called *de facto* spouses; while the Kiev Court of Appeal, in its ruling of June 18, 1928, in case No. 857, held that the Law of the Ukrainian S.S.R. recognized only registered marriages. Although this ruling was

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indigenous population where these relations existed before this Code became law" (i.e., before January 1, 1936).

Like the Code of the Ukrainian S.S.R. the Codes of the Turkmen and Uzbek S.S.R. thus do not recognize any legal consequences as arising from non-registered marriage, differing in this from the Family Codes of the rest of the Union Republics.

The common Civil Code of the U.S.S.R. must, of course, find a solution to this problem of the legal consequences of non-registered marriage, in conformity with the interests of family, society and State as properly understood.

These interests by no means require that so-called *de facto* marriage should in future be categorically prohibited at all costs by the law, since such a measure, while not producing the desired result, would reimpose limitations on the rights of women and children in non-registered marriages.

The interests of the Soviet State require a legislative regularization of the problem of marriage registration which will impress in every way upon the citizens the importance of the act of registration from the point of view of the State and of the advantages of registered over non-registered marriage, but will on the other hand not leave the relations which arise from *de facto* marriage completely without legal protection.

(b) From A. Godes, *The Conception of Legal and of De Facto Marriage according to Soviet Law*.^{*}

... Soviet Family and Marriage Law consistently and strictly adheres to the principle of monogamy and combats polygamy as a survival of the past in socialist life. Thus, under the law (art. 6 of the Code of Laws on Marriage, Family and Guardianship of the R.S.F.S.R.), a marriage must not be registered if at least one of the persons intending to marry is already in a state of registered or non-registered marriage. In this connection it is of interest to quote the legislation of the Ukrainian S.S.R. on the subject. Article 105 of the Code of Laws on Marriage, Family and Guardianship of the Ukrainian S.S.R. lays down that "marriage is subject to registration with the public registration authorities". This thesis, expressed in so categorical a manner, is apt to produce the mistaken impression that in the view of the legislator of the Ukrainian S.S.R. *de facto* or non-registered marriage is not recognized. Yet it is sufficient to turn to later articles of the same Code to become

^{*} Published in *Sovetskaya Pravda*, Vol. for 1937, Nov. 19-20.

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This article does not give a definition of marriage, and this is quite understandable. The idea of marriage is a much wider one than that of any ordinary understanding and cannot be compressed into any legal scheme, suitable for all times and peoples. Marriage and family are definite social relations closely connected with definite means of production. This is to be explained by the fact that "people who daily reproduce their own life, produce other men, propagate their kind—those are the relations between husband and wife, parents and children, this is the family"*. A definition of marriage from the legal point of view cannot, therefore, embrace all aspects of family and marriage relations and can at best enumerate only the most important marks by which marital differ from non marital relations. That was the way chosen by the legislator when it named the principal criteria in the above mentioned article 12 of the Family Code of the R S F S R. But if we take these criteria collectively and risk the inadequacy of the definition we could say that from the legal point of view marriage is the voluntary union of a man and a woman complying with the demands of the law and directed towards living together, mutual aid in everyday life and common upbringing of children. From this definition we can draw the following conclusions. Firstly, not every association of a man with a woman can be considered the sort of marital cohabitation which implies the legal consequences arising from marriage, secondly, from the legal point of view marital relations must comply with the demands of the law but need not necessarily be formalized by registration with the public Registrar. Such is the conception of marriage from the point of view of the present legislation.

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Despite all anti Marxist assertions about the extinction of the family under socialism, the Soviet family continues to develop on the basis of the tempestuous growth of Communist construction. The Soviet State is strengthening the family in every way and creating all the necessary conditions for entering into marriage. This is shown by the annual rise in the number of marriages celebrated in our country. The Soviet State is interested in rearing healthy, active builders of a Communist society. It takes comprehensive care of the growing generation of the health of the Soviet citizens. The State therefore lays down definite conditions for the celebration of marriage: as for example the attainment of marital age. In article 1 of the Code of Laws on Marriage, Family and Guardianship of the R S F S R the legislator declared in the first place that the registration of marriages is established not only in the interests of safeguarding the personal and property rights of spouses and children but also in the interests of State and society. It was precisely in the interests, not only of the individual, but also of the State and society, that the law of June 27, 1936 was enacted on the prohibition of abortion on aid to expectant mothers on State help to large families, on the extension of the network of crèches and kindergartens on increasing the penalties for non payment of alimony and on certain changes in the divorce laws.*

The immediate aim of this law was to combat the survivals of a bourgeois attitude towards women and children. It put an end to the irresponsible approach to marriage, and once again emphasized that marriage is a serious and responsible business and must not be undertaken frivolously. But we must not forget that marriage and the family cannot be strengthened by repressive means alone. Therefore, side by side with the great influence of Communist morality and culture on everyday relations, the legal form in which marriage is established plays an important part in fostering a serious Communist attitude towards marriage and the family. For the registration of a marriage with the public Registrar gives this marriage a certain publicity, and in

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DOCUMENT No 16

ABOLITION OF CO-EDUCATION IN SOVIET SCHOOLS

A. Orlov * *On the Education of Boys and Girls Apart in Separate Schools (Izvestiya, August 10, 1943)*

In the ensuing school year, our organs of national education and our schools are confronted with a task of great national importance: as from September 1, 1943, separate education for boys and girls in all forms from the first to the tenth will be introduced in the incomplete and complete secondary schools of the provinces, of district towns, of capitals of the Union and Autonomous Republics and of large industrial towns, as soon as separate schools for boys and girls have been organized in these towns.

Co-education in the schools was proclaimed and put into practice by the Soviet government in 1918, and has played a positive historical rôle in the development of Soviet schools. More than half of all scholars in the higher educational institutions are women. This is a great achievement of the Soviet government, of Soviet culture.

But now we find that co-education in the schools has given rise to a number of inconveniences. In co-education, neither the peculiarities of the physical development of boys and girls, nor the different requirements of their vocational training, practical activities, preparation for leadership and military service can receive proper attention.

In the schools of Moscow, where during the past school year separate education has already been partially introduced as from the fifth form, experience has proved that the collectives of pupils have become more organized and their interests more homogeneous. Discipline in the schools has improved con-

* The author is the Director of the Moscow Municipal Department of National Education. The reader will notice that most of the argument made in favour of the reform is based upon the need of preparing the young for their share in defence, and also the polemics against "abundant interpretations of the meaning of separate education" uttered by some Soviet pedagogues who evidently inclined to a return to pre-revolutionary views in this matter. But part of the argument of the article and such—doubtless official—arguments as those quoted below in our Conclusion (pp. 379-81) leave no doubt that the need to get the most efficient soldiers and nurses provided only the immediate incentive for a measure with much more far-reaching importance. (R. S.)

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out of separate education. The significance of this national reform and of the underlying pedagogical principles must be properly expounded to the teachers, explanations must be given to the pupils and their parents, and the work must be carried out jointly with the Party organs, the Soviets and other social organizations.

A properly planned network of schools will be of the utmost importance. It must be built up with full regard to local conditions. We must be on our guard against letting the implementation of this school reform hinder in any way the fulfilment of the main and fundamental task of the school—the universal compulsory education of our children. It would be an unforgivable mistake if the planning of the school system should give rise to conditions where children had to walk three or four kilometres to go to school. This would be an obstacle to daily school attendance. It is quite possible in individual cases of necessity to arrange with the permission of the authorities two independent schools for boys and girls in one building, with different principals and separate teaching staffs.

It is not our objective to erect some "Chinese wall" between boys and girls—boys and girls walking on different pavements—what we aim at is only the separate *education* of boys and girls. This is the main thing. We must not imagine that once separate education has been introduced, there will be no association between boys and girls. They will come together in the "pioneer houses", in institutions outside the school, in the theatres, at "school evenings", and so on. A danger exists, nevertheless, in an absurd misinterpretation of the essential meaning of separate education, such as found expression in various memoranda presented to the All Russian Conference on National Education during the discussion of the problem of separate education.

There is a great deal of work to be done by the organs of national education in selecting the managing body—the principals and directors of studies and the teaching staff. It is clear that both kinds of school have their peculiarities and that the selection of the teachers for boys and girls must take these peculiarities into account. In boys' schools, the principal should as a rule be a man, and in girls' schools a woman. Where in any instance this rule is not observed, it should be regarded as a temporary expedient.

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DOCUMENT No. 17

THE FAMILY LAW OF JULY 8, 1944

- (a) Decree of the Presidium of the Supreme Soviet of the U.S.S.R. on increase of State aid to pregnant women, mothers with many children and unmarried mothers ; on strengthening measures for the protection of motherhood and childhood ; on the establishment of the title " Heroine Mother " ; and on the institution of the order " Motherhood Glory " and the " Motherhood Medal "

Care for children and mothers and the strengthening of the family have always been among the most important tasks of the Soviet State. In safeguarding the interests of mother and child, the State is rendering great material aid to pregnant women and mothers for the support and upbringing of their children. During and after the War, when many families face more considerable material difficulties, a further extension of State aid measures is necessary

With a view to increasing the material assistance to pregnant women, mothers with many children, and unmarried mothers, and to encouraging large families and providing increased protection for motherhood and childhood the Presidium of the Supreme Soviet of the U.S.S.R. Decrees

SECTION I

ON THE INCREASE OF STATE AID TO MOTHERS WITH MANY
CHILDREN AND UNMARRIED MOTHERS

It is Decided.

ARTICLE 1

That in place of the existing regulation which gives State aid to mothers with six children at the birth of the seventh and of each subsequent child, State assistance shall be given to mothers (either with husbands or widowed) who have two children, on the birth of the third and of each subsequent child.

ARTICLE 2

Payment of State assistance to mothers with several children shall take place in the following manner and amounts :

DOCUMENT No. 17

THE FAMILY LAW OF JULY 8, 1944

- (a) Decree of the Presidium of the Supreme Soviet of the U.S.S.R. on increase of State aid to pregnant women, mothers with many children and unmarried mothers ; on strengthening measures for the protection of motherhood and childhood ; on the establishment of the title " Heroine Mother " ; and on the institution of the order " Motherhood Glory " and the " Motherhood Medal "

Care for children and mothers and the strengthening of the family have always been among the most important tasks of the Soviet State. In safeguarding the interests of mother and child, the State is rendering great material aid to pregnant women and mothers for the support and upbringing of their children. During and after the War, when many families face more considerable material difficulties, a further extension of State aid measures is necessary.

With a view to increasing the material assistance to pregnant women, mothers with many children, and unmarried mothers, and to encouraging large families and providing increased protection for motherhood and childhood the Presidium of the Supreme Soviet of the U.S.S.R. Decrees :

SECTION I

ON THE INCREASE OF STATE AID TO MOTHERS WITH MANY CHILDREN AND UNMARRIED MOTHERS

It is Decided:

ARTICLE 1

That in place of the existing regulation which gives State aid to mothers with six children at the birth of the seventh and of each subsequent child, State assistance shall be given to mothers (either with husbands or widowed) who have two children, on the birth of the third and of each subsequent child.

ARTICLE 2

Payment of State assistance to mothers with several children shall take place in the following manner and amounts :

State assistance to unmarried mothers is paid until the children reach 12 years of age.

Unmarried mothers with 3 or more children receive the State assistance laid down in the present article, in addition to the regular assistance to mothers with many children which is received in accordance with article 2 of the present Decree

When an unmarried mother marries, the right to assistance laid down in the present article is retained by her

Mothers who receive alimony for children born before the publication of the present Decree retain their right to receive alimony until the child grows up, and do not receive the assistance laid down in the present article

Mothers of children born in 1944, before the publication of the present Decree, and not receiving alimony for them, have the right to receive the assistance provided by the present article

ARTICLE 4

If an unmarried mother wishes to place a child to which she has given birth in a children's institution for its upbringing the children's institution is obliged to accept the child, to support and bring it up entirely at the expense of the State.

The mother of the child has the right to remove her child from the children's institution and to bring it up herself

While the child is in the children's institution, State assistance for the child is not paid

ARTICLE 5

To increase the size of the lump sum assistance paid out for each new born child from the Social Insurance Fund and Mutual Assistance Funds of the co-operative *artels* from 45 to 120 rubles To establish that the sale of a layette for the new born child to the amount of the sum provided shall be assured

SECTION II

ON THE INCREASE OF PRIVILEGES FOR PREGNANT WOMEN AND MOTHERS AND ON MEASURES TO EXTEND THE NETWORK OF INSTITUTIONS FOR THE PROTECTION OF MOTHERHOOD AND CHILDHOOD

ARTICLE 6

To increase the leave of absence for pregnancy and childbirth for women workers and women office employees from

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To increase the size of the lump sum assistance paid out for each new-born child from the Social Insurance Fund and Mutual Assistance Funds of the co-operative *artels* from 45 to 120 rubles. To establish that the sale of a layette for the new-born child to the amount of the sum provided shall be assured.

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and for weakened nursing mothers, the women resting there to be given work in them according to their strength

(b) To confirm the plan for extending the network of children's institutions under the People's Commissariats and departments, with a view to covering fully all children needing such institutions, to provide for extension of the network of children's consulting centres and milk kitchens, organization of crèches for breast fed children, of evening groups in the kindergartens and maternity institutions in the districts liberated from the German invaders

(c) To provide for the compulsory organization in factories and offices employing women on a mass scale of crèches, kindergartens, rooms for the feeding of breast fed children, and personal hygiene rooms for women

(d) To instruct the People's Commissariats to include in their plans of industrial construction the building of children's institutions (crèches, kindergartens, Mother and Child Rooms), calculated to cover fully all the children of the women workers and office employees of the given enterprise who require such services

(e) To confirm measures for the considerable expansion of the production of children's clothing, footwear, sanitary and hygienic articles for children, and other articles required by children both for children's institutions and for sale to the population, and measures also for the extension of the network of children's clothing factories and of the network of Mother and Child shops

SECTION III

ON THE INSTITUTION OF THE "MOTHERHOOD MEDAL" AND THE ORDER "MOTHERHOOD GLORY", AND ESTABLISHMENT OF THE TITLE OF HONOUR "HEROINE MOTHER"

ARTICLE 12

To institute a "Motherhood Medal"—1st and 2nd class—for award to mothers who have given birth to and brought up

5 children	.	2nd class medal
6 children	.	1st class medal

ARTICLE 13

To establish the Order "Motherhood Glory"—1st, 2nd and

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To establish the Order "Motherhood Glory"—1st, 2nd and

where there are no children—150 rubles annually; where there is one child—50 rubles annually; where there are 2 children—25 rubles annually.

(c) From other citizens, where there are no children—90 rubles annually; where there is one child—30 rubles; where there are 2 children—15 rubles annually.

ARTICLE 18

The following to be exempt from payment of the tax

(a) Service men—privates, sergeants and sergeant-majors.

(b) Service officers of army units and military institutions included in the personnel of army and navy units on active service.

(c) Wives of the service men indicated in points (a) and (b) of the present article.

(d) Women receiving assistance or pensions from the State for the support of children.

(e) Citizens whose children have perished or disappeared on the fronts of the Patriotic War.

(f) Students of secondary or higher educational institutions—men and women under 25 years of age.

(g) Invalids of 1st and 2nd grades of ill health.

SECTION V

ON MODIFICATIONS IN THE MARRIAGE, FAMILY AND GUARDIANSHIP LAWS

ARTICLE 19

To establish that only registered marriage produces the rights and obligations of husband and wife laid down in the Code of Laws on Marriage, Family and Guardianship of the Union Republics. Persons having *de facto* matrimonial relations before the publication of the present Decree may formally establish their relationship by registering their marriage, indicating the period they have in fact been living together.

ARTICLE 20

To abolish the existing right of a mother to appeal to the court with a demand for the establishment of paternity and obtaining alimony for the support of a child, born of a person with whom she is not living in registered marriage.

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In the event of a reconciliation between husband and wife not taking place in the People's Court, the claimant has the right to apply for dissolution of the marriage in a higher court.

To establish that the decision on the dissolution of a marriage can be made by the Regional, Territorial, District or Town Court, or by the Supreme Court of a Union or Autonomous Republic.

ARTICLE 26

The Regional, Territorial, District or Town Court or Supreme Court of a Union or Autonomous Republic, in the event of recognizing the necessity for dissolving a marriage, must

(a) Determine with which of the divorced parties and which of the children will remain, and also which of the parents will bear the expense of the maintenance of the children, and to what amount

(b) Establish the manner in which property shall be divided between the parties seeking divorce, either in kind or on a business basis

(c) Return to each of the divorced parties, according to their wish, the surnames used before marriage

ARTICLE 27

On the basis of the decision of the Court, the office for registering births, deaths and marriages writes out a certificate of dissolution of marriage, on the basis of which an entry concerning the divorce is made in the passport of husband and wife and, by decision of the Court, from 500 to 2,000 rubles is charged to one or to each party

ARTICLE 28

To instruct the Supreme Soviets of the Union Republics, in accordance with this present Decree, to introduce the necessary modifications in the legislation of the Union Republics

ARTICLE 29

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and Combating Abuses therein" (Collected Decisions of the Government of the U S S R, 1939, No. 1, art. 1)

(Signed) M. KALININ, Chairman of the Presidium of the Supreme Soviet of the U S S R

A. GORKIN, Secretary of the Presidium of the Supreme Soviet of the U S S R

Moscow, Kremlin,

July 8, 1944

(b) From G. M. Sverdlov, *Some Problems of Judicial Divorce*¹

1. ON THE REASONS FOR DIVORCE

By the Decree of the Presidium of the Supreme Soviet of the U S S R, of July 8, 1944 essential changes in divorce procedure have been introduced. Instead of the former system by which divorces were recorded by the Registrar's Offices at the demand even of a single partner, a judicial divorce procedure has been inaugurated under which the motives for the request for divorce must be established, and the court is entitled to reject the suit. This authority of the court to refuse divorce is the fundamental innovation in the material law on divorce introduced by the new Decree, taken together with the changed approach to the registration of marriage it expresses a strengthening of the cultural-educational impact of the socialist State in favour of the strengthening of the family, fighting light minded attitudes towards the family and family obligations, and extending the protection of the rights of the individual as well as those of the community.

¹ *Soviet Law Commentator* 4, Pravda 1946 No. 7. This article became available immediately before this book was going to press and in assessing its importance the reader should keep in mind that the most interesting arguments may be yet to come forward. He may distinguish between the statement of highly interesting facts, amongst them the fact that two years after the issue of the Decree of July 8, 1944 a Soviet author in a paper published in the leading legal periodical found it possible and necessary to interpret that decree in a way which would remove most of the hardships supposedly involved in it and on the other hand personal opinions of the author the most important of which I discuss below in note 10 but which may also include his moderate approach to the issue of the divorce fee. The parts culled from the paper as here reproduced would strengthen the impression it gives that the Decree in question was at first interpreted in an exaggerated sense. The courts, for example dealt with cases of annulment of marriage (in one instance because a first husband who disappeared during the war and was presumed dead reappeared, so that the wife's second marriage had naturally to be dissolved) as if they were divorce cases, levied the appropriate fee and made formal attempts at reconciliation in what would have been a bigamous marriage had not the other partner believed correctly. In other cases the courts simply disregarded the law as explained in section 4 of the paper and compelled divorced wives to resume their maiden names, etc. Such excesses in interpreting the demand for stability of marriage have hardly been commended by foreign interpreters of the Decree of July 1944 this document, however correct some interpretations to which even the most ardent of them and it would seem, the Soviet courts also, were inclined. [R. S.]

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that from the very start the courts regarded mutual agreement between the parties as to the necessity of divorce as a sufficient reason for granting it. This is shown not only by the absence of cases where divorce was denied when both parties agreed as to its necessity, but also by the very frequent motivations of court decisions in such cases expressed by statements such as "In view of the insistence of both parties on divorce", "In view of the fact that the defendant raises no objection to divorce", and so on.

In my opinion, such an approach on the part of the courts to the highly important issue of divorce by mutual agreement fully corresponds to the general intentions and theoretical principles upon which the Decree of July 8, 1944 and the whole of Soviet Family Law as it has operated since the issue of that decree are based. Divorce legislation cannot be correctly interpreted unless we understand its organic connection with the legislation on marriage that is, the connection between the material content of the norms on marriage and the norms on divorce.

The Decree of July 8, 1944 introduced no change in the material content of the norms on marriage, by stating that registered marriage alone establishes matrimonial rights and duties it merely changed, though essentially, the regulation of the form of marriage. But it did not change the fundamental principles which had characterized Soviet legislation on marriage since the first days of the October Revolution. One of those principles is freedom of marriage its foundation in the free and voluntary agreement of the parties to the marriage, as explicitly required by the law (art. 4 of the Code of Family Law of the R S F S R).² This principle also finds expression in the rejection, by our law, of the principle familiar to bourgeois and pre-revolutionary Russian legislation, that the decision to enter upon marriage may depend on the will of persons other than those to be married (parents, guardians, superiors). Our law distinctly rejects the possibility of marriage on the basis of the subjection of the will of one of the parties to the marriage to that of another person, and in those parts of the Union where such phenomena may occur as vestiges of tribal life, it prosecutes them as criminal offences.³

From this principle of the inadmissibility of enforced marriage follows that of freedom of divorce. Just as marriage is contracted

² See above, p. 155.

³ See above, doc. 10 (4).

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As already mentioned, in cases of mutual agreement between the parties the courts take the attitude that divorce must always be granted. It may be asked what differences exist in such cases between the present legal position and the former, when divorce was simply recorded at the Registrar's Office. But under the former rulings the registration of divorce did not constitute a juridical act which formed a necessary condition for the ending of matrimonial rights and duties. Just as, before the Decree of July 8, 1944, the registration of marriage at the Registrar's Office merely "formally established marriage" (see art. 1 of the Family Code), so the registration of divorce at the Registrar's Office was a mere formal establishment of divorce; independently of the registration of divorce, legal matrimonial relations might in certain cases be regarded as dissolved if the absence of *de facto* matrimonial relations was established in court.³ This legal position has been changed by the July Decree; as marriage can no longer be dissolved except by a court decision, that decision has become the constituent fact of divorce. Unless there is a court decision on divorce, recorded in the Registrar's Office, the legal matrimonial relations, that is, the rights and obligations of the partners, continue to exist in all respects.⁴ This very importance of the court decision on divorce constitutes the disciplinary importance of the new law against light-minded, flippant divorces. But the fact that the court decision on divorce now has consequences so important for the citizens concerned places an obligation on the court to grant divorce whenever the demand is based upon serious considerations put forward by the parties.

A different attitude is adopted by the courts towards divorce suits when the consent of one party to the marriage is lacking and the demand is opposed. Freedom of divorce ought not to involve arbitrariness and misuse of that freedom: therefore the courts, when dealing with such cases, occasionally refuse divorce. The number of rejected divorce suits is small (5 to 6 per cent. of all the cases); but it is important to notice that all of these are defended suits, and of these about 23 per cent. were rejected. . . . Thus we find that in the large majority even of contested

³ See art. 20 of the Family Code of the R.S.F.S.R., the formulation of which (see above, p. 157) has been abolished since April 16, 1945 (Edmoncy Inst. Soviet S.S.S.R., No. 26, 1945).

⁴ The reader may remember (from par. 7 above) that legal prescriptions as to the personal relations of the husbands are alien to Soviet matrimonial law, which even (1944, arts. 7 and 9) refrains from prescribing a common family name and place of residence. Thus, "legal matrimonial relations" means essentially obligations of mutual support and obligations towards the children of the marriage (R.S.)

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3 ALIMONY FOR THE DIVORCED PARTNER

Amongst the issues arising from the dissolution of marriage the support due by one of the divorced partners to the other should be regarded as specially important. The Decree of July 8, 1944, does not mention any obligation on the part of the judge to raise and to decide this issue in cases where he regards the dissolution of marriage as necessary (art. 26). But obviously the lack of mention of this issue in the Decree should not be interpreted as restricting the right of either divorced partner, if in need and incapable of working, to be supported by the other, and the obligation of that other to afford such support if his material conditions allow for it. Articles 14-15 of the Family Code of the R S F S R¹ and the corresponding articles of the Codes of the other Union Republics by which these rights and duties are established have not been altered in their essential points since the publication of the Decree of July 8, 1944,² and therefore those rights and obligations still remain in full legal force.

Moreover, I am disposed to regard that issue as even more important now than it was before the issue of the July Decree. The fundamental idea of that Decree is to increase the responsibilities implied in marriage and to heighten responsibility to the family for the fulfilment of familial obligations. In the light of that conception the obligation of the one partner to grant the necessary support to the other if incapable of working is evidently important, and the fact that the issue is hardly touched in divorce cases should be regarded as abnormal. Among some hundreds of divorce cases which I have had the opportunity to study there was not a single one where the court, when granting divorce, would have imposed on one partner the obligation to support the other.

Apart from the need to normalize judicial practice in this regard, it seems to me that a more precise regulation of the right of the divorced husband to alimony has become necessary in connection with the July Decree. In our present legislation, there are wide differences in the norms established by the codes

¹ See above pp. 156-7.

² See for example, arts. 14 and 15 of the Family Code of the R S F S R in the edition of April 16, 1943 (*Trudovye Pech. Sbornik S.S.S.R.*, 1943, No. 6) art. 12 of the Family Code of the U.S.S.R. in the edition after the changes of the Code enacted by the Decree of the Supreme Soviet of the U.S.S.R. of August 27, 1944, and others.

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partner who is incapable of work than is envisaged in, for example, the present rulings of article 15 of the Family Code of the R.S.F.S.R. This would correspond better to the moral aspect of marriage as well as to the tendency of our legislation to oppose a flippant approach to marriage and divorce. But even before the enactment of such necessary amendments to our legislation the tendency of our law to increase matrimonial responsibility should find expression in court practice by a more frequent application of the rulings of the existing law on the alimony claims of the divorced partner incapable of work.¹⁰

¹⁰ I hope that Mr. Sverdlov will not mind my joining argument with him before knowing the reactions of his fellow lawyers in the U.S.S.R. In view of the extremely small number of divorce cases decided since the enactment of the new law of the overwhelming majority of cases initiated by mutual agreement of the tendency of the courts to apply (wrongly, as Mr. Sverdlov deems) the law in a way which almost excludes resort to it by the worst paid strata of the population (see below pp. 373-90) and of the likelihood that the large majority of cases investigated belong to the R.S.F.S.R. where alimony could in no case be claimed for more than one year after divorce, his conclusions regarding the alleged reluctance of the courts to apply existing legislation (perhaps encouraged by the hasty compilation of the decree) seem premature. At any rate, before having seen his material I should deem it quite possible that especially during the first year after the publication of the decree when counter-pressure by public opinion was still strong, divorce suits were actually begun only in the most urgent cases, most of them concerning comparatively young people and many of them necessitated by the desire to make the way free for a new marriage by one or both parties. So it would be quite conceivable that in a country with full employment even in peace-time, there should be in fact no case among a 1 the 400 where one party could claim to be incapable of working according to war-time standards, or found it worth while to make such a claim against the better-off partner, knowing that there was no legal right for more than one year's duration. From a broader perspective, that is, envisaging the eventual working of the law when its actual meaning as established in his paper is generally realized Mr. Sverdlov may be right, it is quite possible that his remarks may be needed as a warning against individual cases of hardship which may occasionally arise when divorce has again become an established though (in comparison with pre-1944 conditions) somewhat restricted institution concerning a larger number of women invalids among them.

But there is another possible interpretation of the argument to which I should like to draw the reader's attention. When the Family Code of 1926 was enacted there was as yet no full employment. I have attempted always to translate the phrase "incapable of work", when it occurs in such a way that its wider meaning, perhaps as including the housewife who by long domestic efforts has lost the opportunity to acquire some professional skill, may be covered, but such an approach evidently does not correspond to present conditions in the U.S.S.R., where "incapacity to work" is likely to be interpreted in a more literal sense (as is evidently done by the authors of the Codes belonging to groups 2-5 in Sverdlov's enumeration, all of them overwhelmingly peasant republics). But some Soviet women of lower middle-class origin, especially after prolonged marriage and in cases when the husband is the "guilty" party in the divorce case, may tend towards a conception of alimony nearer to the Western one, "incapacity to work" being interpreted to mean having lost, in consequence of marriage, the opportunity to train for a well paid job; and they may operate upon the need "to increase matrimonial responsibility". Apart from the fifth solution mentioned by Sverdlov, there is an inherent contradiction in the regulations of the existing Family Codes when applied to present conditions: granting a former housewife one year to adapt herself at the former husband's expense, to new conditions of life and to acquire some skill, is all very well even under conditions of full employment, but if "incapacitated" is to be interpreted literally it is difficult to see why a husband who has shouldered the responsibility for a disabled wife

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original name did not sound well. But again a spouse whose family name was assumed by the other partner at the time of marriage may have various objections against that partner's continuing to use the name after divorce. In any case the issue is an important one, and from the theoretical point of view its decision is interesting as an illustration of the general approach of the legislator to the personal rights of the parties to the marriage.

By the July Decree the former decision of that issue has notably changed. Therefore, the Family Codes of the Union Republics allowed a partner who at the time of marriage had assumed the other partner's name to continue to use it only if that partner had no objection. If such objections were raised he was restored to his former name.¹¹ According to the July Decree no assent by the other partner is needed for continued use of the common family name: the former name is restored to a spouse only on his own demand. Such a decision on this question clearly expresses the care of the Soviet State for the rights and personal dignity of women (who in the large majority of cases are the partners immediately concerned in the issue of the family name). The party who has changed his name at the time of marriage (usually the wife) is allowed to decide this important issue for himself, independently of the considerations which may motivate the objections raised by the other partner.

This answer to the problem is in full agreement with the principles governing our norms on the names of married parties, the close organic connection between the legislative norms on divorce and on marriage respectively can be observed here as well as in other fields. Our law does not order the wife to assume the husband's name, on this matter also it avoids any impairment of woman's personal status by marriage and any subjection of her personality to that of the husband. According to Soviet law, the partners to a marriage are free to choose their family name at the time of marriage, and neither of them depends in this matter on the other's will.¹² In complete accordance with this principle, by the Decree of July 8 1944 every partner is entitled to decide this issue for himself in the case of divorce also.

¹¹ See for example art. 21 of the Family Code of the R.S.F.S.R. (above pp. 157-8 [R.S.]) the wording of which has now been amended.

¹² See for example art. 7 of the Family Code of the R.S.F.S.R. (above p. 155 [R.S.]).

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gives to that part of the court's decision the necessary character of principle and affords the court a sufficiently clear and concrete basis for its decision whether as to the amount of the fee or as to the party on whom it should be levied. As can be shown from court practice, failure to decide these issues in connection with the reasons for divorce results in judgements which are bound to provoke criticism.

For example, the marriage of the Stepanov family was dissolved at the request of the wife, who complained that her husband left her, moved to another town, and there formed a common household with another woman. Although the court regarded this as proved, and granted a divorce on that ground the claimant, that is, the wife, was mulcted in the fee of 500 rubles.

In the case *Isayeva v Isayev*, a divorce was granted at the wife's petition because the court accepted her allegations that the husband was a drunkard, committed excesses, beat the child of the marriage, etc. In spite of this the prescribed fee was levied from the claimant in this case also, evidently because she had filed the suit.

In the suit for divorce against Ratkov, filed by his wife, the court established that the petitioner herself was responsible for the failure of the marriage and that there was no guilt on the defendant's side. In spite of this, the fee was levied not only from the petitioner, but from the defendant also.

The case of *Ivanova v Ivanov* was filed by the wife, who pleaded that during the war her husband had a record of repeated desertion from the front, and was for that reason convicted. In the court's decision it was stated that the claimant demanded divorce because she could no longer bear the infamy of her husband and live jointly with a traitor, and a divorce was granted, but again the fee was levied from the petitioner, evidently because the defendant was (naturally) absent and the court deemed that the party filing the suit was obliged to pay.

... The main criterion according to which the levying of the fee should be made to depend on the reasons for the divorce, should, in my view, be subject to modifications in accordance with the material conditions of the parties. But in court practice it is evidently assumed that the general norm of the Code of Civil Procedure, according to which the court when levying fees must take into consideration the material position of the parties concerned, should not be applied to the fees prescribed

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CONCLUSION

In the introduction to this book we have tried to trace some of the fundamental problems with which Marxist theory is confronted in any attempt to answer the question 'What are the functions of the family in a socialist society?' From the materials collected we have been able to observe how Soviet practice has developed. We will now attempt to draw such general conclusions as the Soviet record appears to justify.

In studying these conclusions the reader must never lose sight of the fact that we are dealing not with Marxist practice in general—though the record of the Soviet is so far the only available experience of the practical implementation of Marxist theories in this field—but with its application in what was formerly a very backward country, where the most elementary tasks of emancipation had still to be performed, a country in need of industrialization and of agricultural modernization to a degree never previously experienced anywhere, a country confronted with the need for the vastest imaginable efforts and sacrifices in its defence, emerging from the ordeal triumphant indeed, but with half its former industrial centres destroyed, and fifteen millions of the flower of its younger generation killed or maimed. These special conditions have coloured the whole record whose lessons we are about to draw. In part they furthered the great experiment in a country where it was necessary to win for women the most elementary of freedoms, and where right up to our own day a struggle had had to be waged against violations of these freedoms,¹ a revolutionary régime would have a good chance of making a favourable showing even if every attempt to realize its specific ideology should have failed, and shortage of labour will be regarded as a favourable condition for the realization of actual (as distinct from merely formal and legal) equality of the sexes even by those who accept socialism as the solution of the unemployment problem in any country. In part the particular conditions in Russia have impaired the likelihood that the Soviet experiment should serve as a favourable example of the practical application of Marxist theories. It is obvious that legal recognition of *de facto* marriage established as a direct jump from semi-patriarchal

¹ See above, doc. 10 (i)

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modification inasmuch as even in official Soviet ideology (as had always been the case in practice) women can obtain full recognition for fulfilling their civic duties even if they are not in normal employment, but are active in some kind of welfare work, or even simply in bringing up the new generation. But even from the point of view of the extremists of the first years there is nothing fundamentally novel in this, unless we look upon the exaggerations of the first Five Year Plan period as representing the normal state of Soviet opinion.

A change which may possibly have far reaching consequences for this issue has taken place in the field of education. Co-education of the two sexes from elementary school to university was introduced as early as May 31, 1918,² and has always been regarded as a preliminary condition for that actual equality of access to the professions without which equality of rights between the sexes was bound to remain merely formal. In 1943³ co-education was abolished, just at that most difficult but in this respect most decisive, step in the educational ladder when the young man or woman's professional future is usually being decided. I must stress once more the fact that, as opposed to the position of the bourgeois feminist movement the need of taking woman's specific functions and needs into account was emphasized during the first revolutionary period, even by that radical representative of Soviet feminism, A. M. Kollontay.⁴ But even so severe a critic of radical ideologies as Lenin would certainly⁵ have objected to such arguments being used in defence of the abolition of co-education as the need of acquainting girls with the principles of domestic science, and of avoiding "some covering up of masculine and feminine traits which are of social value."⁶ We are to deal later with the problem of the "withering away of the family" in a socialist society. But it requires no special degree of radicalism in that field to take objection, from the classical Marxist point of view, to the following argument.

In the phase that is past, the Soviet State has fully and speedily eliminated from people's minds all idea of the social inequality of the sexes, and all expression of this idea from daily life. We now face a new and no less important task. It is, above all, to strengthen our primary social unit, the socialist family, on the basis of full development

² *Collected Laws and Decrees of the R.S.F.S.R.*, 1918, Vol. 3, Art. 473.

³ See above ch. 16.

⁴ See above p. 42.

⁵ See above ch. 2, p. 72.

⁶ M. Tsvetayeva in *Soviet New News* of Nov. 6, 1943.

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normally¹¹ not influenced by the man's holding a higher material position than the woman. We must not go to the extreme of thinking the social equality of the sexes impaired by the fact that miners or steel workers (just because their work is unhealthy, and therefore unsuitable for women) normally earn higher wages than people in more healthy professions requiring equal intelligence and skill. But—quite apart from excesses, hardly avoidable with any "new course" in the U.S.S.R.,¹² but certainly open to correction—the social equality of women is impaired if, in a country where, for very good reasons, the engineer is paid much more highly than the teacher or physician, the standard of mathematical teaching drops in the girls' as compared with the boys' schools, in view of the well known difference in the gifts of the *average* woman teacher or pupil. For this in itself involves a handicap for those girls—and they are not rare—whose natural gifts would enable them to enter a technical high school on condition that their gifts were developed in free competition with the boys. A counter case can, of course, be made from the standpoint of those girls who, though sufficiently gifted to become average teachers might have been prevented from entering a university by "too high" standards in mathematics in mixed schools, but this simply amounts to levelling up within either sex, i.e., accepting different standards of earnings as normal. This may not be very important, few of us will feel any strong sympathies with the woman who hesitates to part from a husband she does not love for the mere reason that he earns, say, 2,000 rubles a month while she could earn only 1,200. But the issue becomes a much more serious one when not only the fitness of the average boy or girl for one profession or the other is taken into consideration, but it is assumed that the girl's normal function is to become a mother of children to a number hardly compatible with other productive activities while that of the boy is to become a "good father", which certainly means the breadwinner for a numerous family. Can the State be expected to establish industrial boarding-schools (the method at present in vogue for recruiting skilled workers) for girls who it expects will forsake industrial employment a few years after they have completed their education at the public expense? Even as regards the other method of recruiting

¹¹ Considerable wide differences in income—but without necessary polarisation in favour of either sex—are implied in the very definition of a socialist as distinct from a communist society.

¹² See above, doc. 16 p. 363

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amount sufficient to enable the mother to devote her life solely to the upbringing of her children only when the sixth or seventh child has been born, and those made for the fourth and later children cease at the fifth birthday. For a married mother, who has to keep her children with her for a much longer time, or for an unmarried one who does not wish to part with her children by transferring them at the age of 5 to a public educational institution, there is a great incentive to cover the expense of bringing up her older children by having new ones. A woman who has followed the profession of motherhood to its natural limits will have gained a medal, and maybe¹⁶ some thousands of rubles in her savings bank account, but will have rather restricted prospects of attaining a satisfactory standard of living during the second half of her life unless she is employed in crèches, kindergartens, and so on.¹⁷ This state of affairs would be radically altered if the State were able and ready to modify the system of assistance for numerous families (art. 2 of the 1914 decree) according to the principles followed in granting help to the first three children of unmarried mothers (art. 3), not a progressive premium system (in contradiction to the actual structure of the family budget) as an incentive to the production of enormous numbers of children, but the continuance of sufficient help for any number of children up to the age when they cease to be a material burden. If the payments were somewhat increased, and if even moderate old-age pensions were granted to those mothers, say, who have won the decoration awarded for a large number of children, motherhood could be regarded as a profession like any other, bestowing not only social prestige but also a standard of life comparable with that obtainable by any other kind of not specially skilled labour. Financial considerations apart,¹⁸ there would always remain the political difficulty of establishing differing scales of State aid for town and country, and thus avoiding a situation in which an

¹⁶ Provided she has transferred children to an educational institution, or has sufficiently well husbanded the huge sums received on the birth and during the early years of her younger children in order to be able to meet the costs of their further upbringing.

¹⁷ It should be kept in mind that in order to be satisfactorily provided for in his or her old age the Soviet worker expects the moderate benefit of the general social insurance scheme to be supplemented by an "individual pension" from his factory; its amount of course depends on the length and quality of his service.

¹⁸ These considerations should not play a very important part, once it is supposed that the new policy is successful in keeping the average family at six or seven children. Eighty rubles per month up to a child's twelfth year involve no more expense than 200 up to the fifth, though they may look less attractive as an incentive or paper

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¹⁸ These considerations should not play a very important part, once it is suggested that the new policy is successful in keeping the average family at six or seven children. Eighty rubles per month up to a child's twelfth year involve no more cost, more than was up to the fifth, though they may look less attractive as an incentive on paper.

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The next fundamental problem which we have to consider is the attitude of a socialist society to the stability or otherwise of sexual relations. In order to ascertain correctly the changes in Soviet opinion on this matter, we must avoid the very common mistake of comparing the most radical attitudes of the first years after the revolution with the most conservative attitudes (to use Western terms) of the most recent times. Not only the theories of some Soviet feminists regarding 'Free Love',²⁰ but also for example, N. Krylenko's argument in the discussion on *de facto* relationships²¹ obviously did not represent the prevailing attitude. Krylenko, who had denied that a man was obliged to demand the permission of public opinion in order to betray a young woman's trust, could never dare to deny Gipnova's right, had she, let us say, functioned as a member of a Party purge commission, to dismiss such a man from the Party, that is in fact to deprive him of many of his opportunities in public life, 'for immoral behaviour'. Even Preobrazhensky²²—quite apart from the fact that his sharp contrast of town *versus* village reflected his Trotskyist attitude—in his praise of *de facto* marriage as an ideal for the future did not represent the official point of view, which defended the recognition of such relationships only from the standpoint of protecting the rights of women who were living in them, and inserted into the preamble of the Matrimonial Code a clause emphasizing the public interest in the registration of marriages. On the other hand we should come very close to a denial that there were any important changes at all in Soviet attitudes (prior to 1944) if we based our judgement simply on the views which prevailed during the discussions of 1926 and 1936. In the former case the overwhelming majority, at least in the rural areas, seems to have opposed *de facto* marriage, and to have admitted facilities for divorce only if it were demanded by both parties (apart from some extremists who even demanded that violation of matrimonial duties should be subject to criminal prosecution). This would correspond fairly closely to the position taken by the legislation of 1918 and 1936, though the deliberate complication of divorce introduced by the 1944 legislation went far beyond such an attitude. In the 1936 discussions no one defended abortion as an expression of a woman's right to her

²⁰ See above docs. 1 & (2) and 3.

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to earn her living independently of the husband, and support was granted her even after divorce until she could become self-supporting (art 130). Article 15 of the 1926 Code presupposes that she would be able to become self supporting not later than one year after the divorce. Since the liquidation of unemployment during the Five-Year Plans such an assumption seems somewhat stronger. The claim of the former wife to remuneration for her participation in the household has been met, since the 1926 Code, by her joint ownership of all property acquired during the marriage, and article 26 (b) of the 1944 law establishes the method by which this right shall be realized. So what is evidently meant to be safeguarded by the new obstacles in the way of divorce is not the personal interests of either party, but those of the community, especially that in the welfare of minor children.²⁶ By the abolition not only of the legal recognition of *de facto* marriage, but also of the legal procedure for the establishment of paternity, the foundations of Soviet matrimonial law have been changed. Hitherto²⁷ the relations between parents and children as well as between brothers and sisters have been based on actual blood relationship, registration establishing a merely legal assumption refutable by proof of fact. By the law of 1944 (though art 25 of the 1926 Code has not been repealed) legal family relationships cannot exist except on the basis of a registered marriage, or of common descent from an unmarried mother. Fatherhood outside wedlock creates neither rights nor obligations, whether for the father himself or for his children.

The central problem arising in this connection, that of the support of children of unmarried mothers, has been solved by the 1944 legislation in a way which is indeed revolutionary—namely, by the State shouldering the whole responsibility. The amount paid to the mother should she prefer to bring up the child at home corresponds with the alimony payable under the previous legislation by a father with an income of about 400 to 450 rubles per month, i.e., that of the average skilled worker in the village or the semi skilled town worker—of course with the big difference that the State will pay this allowance punctually, without being sued in the courts as many fathers had to be. Though the duration of State aid is restricted to the first twelve years of the child's life, somewhat in accord with village conditions, the amount is assessed in a way which is certainly not ungenerous.

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by the professional *élite* of urban and rural womanhood, nor by the average working-class woman who, if she remains unmarried and limits the number of her children, or places them in public educational institutions, can achieve the standard of life normal in her class at least as well by her own work in industry as by doing the cooking and washing for someone with a very similar income. In the countryside especially, where, as we have mentioned, there are powerful economic incentives also, social prejudice will still operate in favour of marriage, though the distinctions granted by the State to unmarried as well as to married mothers of many children are likely to have their repercussions at least upon the official attitude to unmarried motherhood in general.

Unmarried motherhood will seem preferable to those who fear the difficulties of divorce in registered marriage, to those who do not wish their professional careers to be handicapped by the obligations of bringing up children beyond the extent they voluntarily choose, and to those who may wish to follow the "profession of motherhood" to an extent greater than any prospective husband would be likely to stand. The ranks of unmarried mothers, therefore, will comprise very different groups of women, from the intellectual *élite* of Soviet womanhood (unless a prejudice in favour of registered marriage is systematically fostered in the ranks of the Soviet intelligentsia to such a degree as to impair the professional prospects of an unmarried mother) through a very large section of working-class women to some parts of the rural population, amongst them even very backward ones who simply make a job of having children. But it may be that, by the side of all these, a social group will arise representing a really new conception of the "profession of motherhood".

Men will have their choice, with the lack of the amenities of a household (and an unregistered companion will certainly avoid ruining her professional career by taking up domestic obligations in favour of someone who is under no legal obligations to her) and the 6 per cent. tax on the income of childless persons²² (and every unmarried man is legally childless) tipping the balance against the higher material responsibilities and the risk of making a mistake which it has become more difficult to correct by divorce. The strong numerical disproportion between the

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socialist society " generally assumed in the first post revolutionary period, but given up when a socialist society had been actually established and was in need of stabilization. The argument of the peasants' deputies in the 1925-6 discussions seemed to support Engels' thesis that the monogamous family was an outcome of private property in the means of production. But the peasants' private property in the means of production has gone, and divorce has been rendered more difficult. Evidently, in a socialist society, which differentiates income according to the quantity and quality of the work performed, care for children and the expenses connected therewith, are among the major incentives to work, for me it is much easier to imagine Soviet Russia instituting the free distribution of bread—which has been occasionally ²⁰ described as a characteristic step in the transition to a future communist society—than parting completely with that incentive. But it has been done in part, under the pressure of the need for a higher birth rate. Once the principle has been accepted, I do not see how it can stop for long with the unmarried mothers and the fourth and following children of married couples. The State may, of course, still regard the parents' home as the most suitable place in which to bring up the average child, and may for that reason encourage stable family relationships. But it cannot label its own educational institutions as second rate, or, whilst appealing to the unmarried mother's patriotism and offering her these institutions as a suitable medium for educating the children she has produced, suggest that a child only because it has been educated in a public boarding school, is likely to get an inferior start in life. The desire to give one's children a start in life better than the average, which has been made possible by the reintroduction of fees for higher education, except for the most highly gifted children, may prove a powerful incentive to marriage for the Soviet intelligentsia (apart from the *élite* of professional women), and the fact that a majority of the future members of the leading strata are likely to come from married homes may influence the trend of legislation once the present generation with its numerical discrepancy between the sexes, has passed. But the next two decades can no more be undine than can the two which preceded the war.

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